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REPORT OF THE
COMMISSION OF INQUIRY
RELATING TO THE DEPARTMENT
OF MANPOWER AND IMMIGRATION
IN MONTREAL

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**REPORT OF THE
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OF MANPOWER AND IMMIGRATION
IN MONTREAL

Claire L'Heureux-Dubé
Judge of the Superior Court of Quebec
Commissioner

JANUARY 1976

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THE HONOURABLE CLAIRE L'HEUREUX-DUBÉ, J.S.C.
Commissioner

JOSEPH R. NUSS
ROGER D. POTHIER
Counsel

WILLIAM J. BRENNAN
Registrar

PHILIP SLAYTON
Technical Advisor

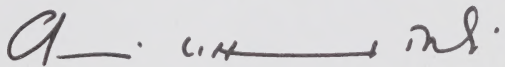
January, 1976

To The Honourable Robert Andras,
Minister of Manpower and Immigration


As Commissioner appointed in accordance with
the terms of Orders in Council P.C. 1973-3454 of
the Thirtieth of October 1973 and P.C. 1974-1685
of the Seventeenth of July 1975,

I beg to submit

THIS REPORT.

A handwritten signature in dark ink, appearing to read 'A. L'Heureux-Dubé'.

Claire L'Heureux-Dubé, J.S.C.
Commissioner



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It is impossible to name everyone who contributed in one way or another to this Commission. I must, however, pay special tribute to Commission Counsel Joseph R. Nuss and Roger Pothier. The heaviest responsibility of the hearings fell on their shoulders. Their professional skill, judgment and, most of all, fairness in the examination of witnesses were remarkable. Senior Counsel Joseph R. Nuss made an outstanding contribution to the Commission. His assistance, searching preparation for the hearings, careful and thorough arguments on difficult points of law, and impartial review of evidence in presenting submissions to the Commission were invaluable.

Particular mention must be made of the work of our Executive Director, Mr. William J. Brennan, who also assumed the functions of Registrar and Security Officer and other related duties. His ability and devotion to the work of the Commission were always in evidence. He and the small secretarial staff of the Commission were extremely conscientious. They were a superb team, putting in long hours, particularly at times of pressure, in the best possible spirit and with sustained interest. Mrs. Lise Corbeil and Miss Chantal Brouillette, who remained throughout, both deserve my warmest thanks.

The services of the official Court Reporter, Mr. Oscar Boisjoly, and his staff were of the highest quality, notwithstanding the inherent difficulties in conducting hearings in both official languages and with interpreters. I am grateful for the assistance of the R.C.M.P., the Department of Manpower and Immigration, and the Secretary of State in providing us the services of some of their personnel. The co-operation of the Department of Manpower and Immigration extended to arranging physical facilities, dealing with budgetary matters, being available for interviews and discussions, and providing necessary documents and information. Messrs. Léo R. Vachon, André Guénet, Jean-Marc Bonneau, Pierre Pleau, Michel Lachance and Roger Matte of the Montreal Division were constantly available and helpful, as were the authorities in the Department in Ottawa.

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Glossary

In this report, the following words are used as defined in this glossary, independently of their meaning in the *Immigration Act* and regulations made under the *Act*, or their normal use.

Application for permanent residence	The completion of immigration form O.S.8, part of the process of seeking permanent residence in Canada.
Assessment	Evaluation by an immigration officer of an applicant for permanent residence. Assessment follows an interview.
Business declaration	A written declaration, required by Quebec law, giving the firm name of an individual or partnership carrying on business. The declaration is filed at the Superior Court of Quebec in the district where the business is to be carried on.
Department	The Immigration Division of the Department of Manpower and Immigration. Reference is normally to the Montreal District of the Department.
Deportation order	Order issued by a Special Inquiry Officer that a person be removed from Canada to the place from which he came to Canada, or to the country of his nationality or citizenship or birth.
Immigrant	A landed immigrant or any person in Canada who is not a landed immigrant but who seeks or intends to remain in this country.
<i>Immigration Act</i>	The statute (R.S.C. 1970, Ch. I-2) governing immigration to Canada.
Immigration Appeal Board	The Board established by the <i>Immigration Appeal Board Act</i> , R.S.C. 1970, Ch. I-3, whose chief function is to hear appeals from deportation orders.

Immigration form O.S.8	The basic application form to be completed by a person seeking permanent residence in Canada. The form requires details of the applicant's background and intended occupation in Canada.
Immigration form 700	The Department arrival and departure form which states the expiration date of the period for which entry to Canada was granted. Any extension of stay is indicated on this form.
Immigration form 1103	The first Department form completed by someone who intends to apply for permanent residence in Canada, giving notice of his intention to do so.
Immigration officer	An employee of the Department with the authority and power of a peace officer, and with the authority to administer oaths and to take evidence under oath in matters arising out of the <i>Immigration Act</i> .
Immigration regulations	Regulations made by Order in Council pursuant to, and in order to implement, the <i>Immigration Act</i> .
Independent applicant	A person of eighteen years of age or more who applies on his own behalf for admission to Canada for permanent residence.
Landed immigrant	An immigrant who has been granted permanent residence in Canada.
Nominated relatives	Categories of relatives defined by the immigration regulations whose admission into Canada for permanent residence may be requested by a Canadian citizen or a landed immigrant under certain conditions set out in the regulations. Nominated relatives are credited points when assessed depending on the degree of relationship to the nominator.
Notice of intent	Notice given to the Department by an immigrant of his intention to seek permanent residence in Canada. This notice is usually given by completion of form 1103.
Partnership	Contract of association for business purposes between two or more persons.
Point system	Immigration selection criteria set out in the immigration regulations and used by the Department to assess applicants for permanent residence and determine whether to accept or refuse them.
Project 80	Administrative program introduced by the Department on June 23, 1972, to reduce the size and growth of immigration special inquiry and appeal backlog. Files processed under this program were assessed on the basis of whether an applicant had a reasonable chance of establishing himself in Canada, regardless of the number of points obtained at assessment.

Project 80E	An informal extension of Project 80. Files of those awaiting special inquiry or a hearing before the Immigration Appeal Board, to which Project 80 did not apply, were assessed by the Department using Project 80 criteria, and were processed, when a favourable decision was taken, by the Department's requesting a decision in the immigrant's favour.
Project 97	"Operation Make My Country Your Country" («Opération Mon Pays»), enacted by Parliament and coming into force on August 15, 1973. Project 97 gave persons in Canada illegally an opportunity to acquire landed immigrant status.
Rupee	The basic unit of Indian currency. In 1972, the Canadian dollar was worth about seven and one-half rupees.
Section 7 (1) (c)	The section of the <i>Immigration Act</i> which states that persons seeking entry into Canada as tourists or visitors may be allowed a limited stay.
Section 7 (1) (f)	The section of the <i>Immigration Act</i> which states that persons entering Canada as students for the purpose of attending university or college are permitted entry for a limited period for that purpose.
Section 7 (1) (h)	The section of the <i>Immigration Act</i> which states that persons engaged in a profession, trade or occupation may be permitted entry into Canada for a limited period for the exercise of their calling.
Section 18 report	A written report to the Director of the Department, issued by an immigration officer, under the authority of s. 18 of the <i>Immigration Act</i> , against a person the officer believes to be a person not entitled to remain in Canada. Persons subject to such a report are liable to deportation following special inquiry.
Section 22 report	A written report to a Special Inquiry Officer, issued by an immigration officer under the authority of s. 22 of the <i>Immigration Act</i> , which states that the immigration officer is of the opinion that a person seeking entry into Canada is not to be admitted. A special inquiry is then held.
Sexual relations	Any kind of intimate physical contact, and not just sexual intercourse.
Special inquiry	The inquiry held by a Special Inquiry Officer to determine whether a person shall be allowed to come into Canada or to remain in Canada or shall be deported. A special inquiry is held following the issuing of a s. 18 or 22 report.
Special Inquiry Officer	An immigration officer specially empowered to enquire into and determine whether any person shall be allowed to come into Canada or to remain in

Canada or shall be deported. A Special Inquiry Officer has the power of a commissioner appointed under Part I of the *Inquiries Act*, R.S.C. 1970, Ch. I-13.

Sponsored dependent

Categories of close relatives defined in the immigration regulations whose admission into Canada for permanent residence may be sponsored by a Canadian citizen or landed immigrant under conditions set out in the regulations. Sponsored dependents are given preferential treatment by the Department.

PART ONE

The Commission

I. CREATION

1. This Commission was created on the advice of the Privy Council, found in Privy Council Order 1973-3454, dated October 30, 1973. A Commission was issued to me by the Governor-General on the same day, October 30, and the Commission was registered on December 10, 1973. It should be noted that this Commission, and P.C. 1973-3454 on which it was based, revoked P.C. 1973-2374, dated August 10, 1973; under the authority of the earlier Order a Commission had been issued on August 22, 1973, and was registered on September 12, 1973. There were several reasons for modifying the first Commission. Some files listed in the original Order were non-existent, and some files requiring investigation were not listed. The wording of the first Order contained ambiguities. Finally, it was thought necessary to broaden the Commission's power by permitting it to investigate matters incidental to the main subjects of inquiry. This additional power is granted by paragraph (e) of the later Order. A further Commission was issued to me on the authority of Privy Council Order 1975-1685, dated July 17, 1975. The 1973 and 1975 Privy Council Orders and the Commissions issued pursuant to them are reproduced in Appendix 1. In this one report I am giving the results of the investigations authorized by both the 1973 and 1975 Privy Council Orders. In the report, when I speak simply of the Privy Council Order, I am referring to the 1973 Order.

2. The creation of the Commission was the result of several parallel developments concerning immigration and the Department of Manpower and Immigration (henceforth referred to as *the Department*) in the Montreal area. A Royal Canadian Mounted Police investigation,

conducted at the request of the Department, had led to the arrest on April 16, 1973, of Mr. S. M. Byer, a Montreal lawyer. Byer was charged, under Article 110(1)(a) of the *Criminal Code*, R.S.C., 1970, Ch. C-34, with having, on three separate occasions, given to a Canadian immigration officer a reward as consideration for co-operation in connection with a matter of business relating to the government. A different Montreal immigration officer, Brian Purdon, was suspended for misconduct on June 26, 1973, and was dismissed on October 22, 1973. Meanwhile, following a separate and unrelated investigation, Immigration Officer Lawrence Doiron admitted misconduct, was suspended from the Department on April 27, 1973, and was dismissed on June 28, 1973. At the same time, during this period, the Department was, first, investigating a number of immigrants (in this report *immigrant* refers both to a landed immigrant and to any person in Canada who is not a landed immigrant but who seeks or intends to remain in this country) suspected of having entered the country illegally, and was, second, looking into the distribution of "Immigration Visa Services of Canada" business cards, bearing the maple leaf emblem, to immigrants arriving at Montreal Airport. Finally, stories causing some public concern were appearing in the press alleging sexual relationships between immigration officers and women who had dealings with the Department.

3. The events described above, taken together, caused suspicion in some quarters that there were irregularities and corruption surrounding immigration matters in Montreal. A thorough inquiry was considered appropriate.

4. Following creation of the Commission, and in accordance with the powers granted by paragraph 2 of the Privy Council Order, I appointed Mr. Joseph R. Nuss and Mr. Roger D. Pothier as counsel to the Commission. I also appointed Mr. William J. Brennan as Executive Director, Registrar and Security Officer, and arranged for the reporting of hearings by Mr. Oscar Boisjoly, official court reporter. I arranged for clerical assistance and adequate working accommodation. In September, 1974, I appointed Professor Philip Slayton, of the Faculty of Law of McGill University, as technical advisor to the Commission. The Commission operated with a very small staff. Both of my counsel, and my technical advisor, served on a part-time basis only. The limited scope of my inquiry justified such an approach. It enabled the Commission to operate with both cohesion and economy.

II. MANDATE

5. The Commission was created under Part II of the *Inquiries Act*, R.S.C. 1970, Ch. I-13, and I was required:

to investigate and report upon the state and management of that part of the business of the Department of Manpower and Immigration (hereinafter referred to as “the Department”) pertaining to

- (a) the subject matter of, matters related to the processing of the following Montreal files of the Department . . . [and the Order goes on to list 109 file numbers];
- (b) persons represented by S. M. Byer, an Advocate practising his profession in the City of Montreal, who had dealings with the Department or any person in the service of the Department;
- (c) the preparation of a list of immigrants by Immigration Officer Bryan Purdon [sic] for the said S. M. Byer;
- (d) the conduct of any person who is or was in the service of the Department so far as that conduct relates to his official duties in respect of any of the matters referred to in paragraphs (a), (b), (c) or (e); and
- (e) any matters incidental or relating to any of the matters referred to in paragraphs (a) to (d).

.

(P.C. 1973-3454)

- (a) the subject matter of, matters related to and the processing of the following Montreal files of the Department . . . [and the second Order goes on to list four file numbers];
- (b) the conduct of any person who is or was in the service of the Department so far as that conduct relates to his official duties in respect of the matters referred to in paragraph (a); and
- (c) any matters incidental or relating to any of the matters referred to in paragraphs (a) and (b).

(P.C. 1975-1685)

For a proper understanding of the Commission’s mandate, the Privy Council Order must be read in light of Part II of the *Inquiries Act*. Section 6 of the *Act*, the first section in Part II, reads in part:

. . . a commissioner or commissioners to investigate and report upon the state and management of the business, or any part of the business, of such department, either in the inside or outside service thereof, and the conduct of any person in such service, so far as the same relates to his official duties.

This section limits a Part II commissioner to investigating and reporting on two things—the “state and management of the business” of a department, and the conduct relating to official duties of any person in the

service of the department. These matters are the only matters which a Part II commissioner may investigate and report on. The organization of this report reflects the two matters which, by s. 6, I am to investigate and report on. The precise nature of those two matters, for this Commission, is to be found in the Privy Council Order.

6. Inquiries such as this one investigate suspected impropriety or negligence in public life or matters touching public life, discover the facts, and, if necessary and appropriate, make recommendations to prevent the recurrence of abuses. In pursuing truth, inquiries may have to follow paths not originally contemplated; the *Report of the [British] Royal Commission on Tribunals of Inquiry 1966* (Cmnd. 3121) noted that a tribunal might suddenly find itself moving into areas of investigation that no one had anticipated, thereby affecting a new set of people. The Royal Commission was led to recommend that tribunals “should not be fettered by terms of reference which are too narrowly drawn” (Recommendation 33). Although a commission’s terms of reference may be precise, the interpretation of the terms of reference by the commission must be flexible enough to permit it to go wherever relevant truth is to be found.

7. This Commission has always sought to pursue truth while respecting its mandate. The Commission’s attitude is well illustrated by its response to what the Montreal press termed the “Riel affair”. On September 30, 1974, Mr. Robert Dolman, a Montreal lawyer, came to see senior Commission Counsel Joseph R. Nuss and asked that he be allowed to appear before the Commission to present the case of one René Riel. Dolman wished to make representations to the Commission concerning an alleged network for forging work permits operating within the Montreal office of the Department of Manpower and Immigration; he claimed that his client’s status in Canada had been adversely affected by the racket’s operation. Nuss told him that “the Commission would have to assure itself that the matter fell within its mandate. And this is one of those cases where, in order to discover whether a matter falls within the mandate of this Commission, it is necessary to examine the facts” (Evidence, p. E-8163). Examination of the facts was made difficult by statements of Dolman at a press conference with resulting pressure on the Commission to provide quick answers. A Montreal newspaper, *The Gazette*, for example, reported on October 1, 1974:

Dolman called the news conference yesterday after failing to get Riel’s case brought before the special inquiry into inequities [sic] in the federal department of immigration and manpower office in Montreal.

He said he took the matter to inquiry counsel Joseph Nuss and was told it was outside the probe's mandate and "he did not want the panel to be used as a sounding board."

In these difficult circumstances, Nuss conducted an investigation, and concluded, first, that the facts did not support allegations which Riel and Dolman wished to make before the Commission, and, second, that in any event, the matter raised did not fall within the mandate of the Commission. Nevertheless, in view of the wide and sensational publicity given this matter, Nuss, in his opening remarks to the Commission's hearing of October 8, 1974 (E-8162 to E-8175), presented the results of his investigation into the Riel affair. In concluding his remarks before the Commission, he said:

I thought it was essential that I give you the facts which I think have been determined . . . because of the number of people who have been implicated and because the verifications carried out in this instance, justified the caution and the prudence which was exercised with respect to allowing this Commission to be used as a platform for making the allegations which were made in this case, and which I respectfully submit to you were not only unsubstantiated, but which the evidence shows were without foundation.

(E-8175)

Nuss later added that "although I say that the matter appears not to be within your mandate, the only decent thing to do is to explain what was found" (E-8210). In my comment on his remarks, I said in part:

I fully agree with Mr. Nuss that it does not fall within the limits of our mandate

This Commission is a fact-finding body. Its primary duty is to ascertain facts within the limits of its mandate, and to report thereon. To act otherwise would be either irresponsible or illegal.

At times, it is surely necessary to determine whether a set of facts falls within our mandate. It is not the first time and it will not be the last time.

(E-8212)

The treatment by the Commission of the so-called Riel affair demonstrates the approach of the Commission to its mandate. First, the Commission was concerned not to exceed the terms of the Privy Council Order. When it became clear in the course of Nuss's investigation that the allegations of Riel and Dolman did not fall within those terms, then, so far as the Commission was concerned, the matter was closed. Second, the Commission was however prepared to investigate the allegations fully in order to make a proper and fully informed judgment as to whether the matter fell within the mandate. Third, in order to allay any public fears aroused by the allegations, and in order to explain the Commission's procedure and decision, a full account of the investiga-

tion and its results was given. Finally, the Commission wished to prevent its use as a platform for unfounded charges; I commented at the time of the Riel affair that “the Commission will not allow itself to be used as a forum for irresponsible allegations, or a platform for reckless sensationalism” (E-8213).

8. In executing its mandate, and in deciding what witnesses to hear and on what points, the Commission had at times to concern itself with weighing the probative value of certain evidence given in public with the harm that could be done to individuals and institutions by inconclusive, unsubstantiated or uncorroborated testimony.

9. Occasionally the Commission’s investigation brought to light some matter requiring action but not falling within the Commission’s mandate. On those occasions, I referred the matter in question to the proper authorities.

10. From time to time, on a matter which did fall within the Commission’s mandate, I chose not to take testimony from every possible witness. I was satisfied once the facts were clear and the pattern established; to pursue inquiries beyond that point would have added nothing.

III. RULES AND PROCEDURES

11. Early in the discharge of its duties, the Commission issued a fact sheet containing general information on its mandate. Later, on three separate occasions, a notice was published in French- and English-language newspapers, as well as in the ethnic press, informing the public of the date of the Commission’s first hearing and inviting interested persons to communicate with the Commission. This notice is reproduced in Appendix 2. Similar notice was given to other information media.

12. The Commission then established the Rules of Practice and Procedure for the hearings (these rules form Appendix 3 to the report). They were sent to the Bar of the Province of Quebec, attorneys of record, the legal aid office in Montreal and representatives of the Manpower and Immigration Union of the Public Service Alliance of Canada (le Syndicat de la Main-d’œuvre et de l’Immigration de l’Alliance de la

Fonction publique du Canada). They were also available, in the Commission's offices, to the public and the news media.

13. Those persons the Commission considered most directly concerned with the inquiry were notified by letter of the date of the first hearing. Enclosed with this letter was both a copy of the Privy Council Order creating the Commission and a copy of the Rules of Practice and Procedure. In particular, such a notice was sent to the immigration officers' union and its attorney, and to Doiron, his attorney, and S. M. Byer. Forms and notices prepared by the Commission are reproduced in Appendix 4.

14. All things being equal, it is better that the hearings of a commission of inquiry be open to the public. As Lord Salmon wrote in the *Report of the Royal Commission on Tribunals of Inquiry 1966* (Cmnd. 3121, paragraph 40):

It is said that sometimes witnesses are willing to give evidence only if they are allowed to give it in private or in confidence. This is no doubt true. But such evidence in matters of this kind is treated as suspect by the general public and, in our view, rightly so. Secrecy increases the quantity of evidence but tends to debase its quality.

As I have already remarked (paragraph 6), one of the important purposes of an inquiry such as mine is to restore confidence in public administration or matters touching it by ascertaining the truth and making that truth widely known. That purpose implies that in normal circumstances full publicity surround a Commission's activities. However, the particular mandate of this Commission gave rise to special considerations. The confidentiality of the files referred to in the Privy Council Order, and the need to protect the reputation both of a number of immigrants who have recently arrived in this country and of other persons who might suffer prejudice through the circulation of unfounded rumours, suggested that we proceed with caution. After weighing these considerations, I decided that hearings would be public, although in exceptional circumstances I might proceed *in camera*. However, I further decided that no information or description contained in any report of a hearing of the Commission by members of the press or of other media should in any way lead to the identification of any person giving testimony before the Commission. Consequently, on the first day of the hearings, I issued an order in the following terms forbidding any person including members of the press and all other information media:

- 1) to in any way disclose, whether by publication or by any other means, the name, surname, address, race, nationality, or other description leading to

the identification of a witness, or of any person called upon to testify before the Commission;

- 2) to photograph or to film for television or cinema, or to reproduce in any other manner, on or off the premises of the Commission, the portrait or likeness of any witness or of any person called upon to testify before the Commission;
- 3) to publish or exhibit, or in any way show such photograph, film or reproduction;
- 4) to reveal the numbers of the files which may be referred to in the course of the hearings of the Commission, or to in any manner whatsoever make copies of any document or exhibit filed or tendered as evidence.

Any person contravening this order shall be liable to such penalties as provided by law.

This order was posted both in the hearing room and in the entrance hall of the Commission's offices, and appeared on the first page of each volume of the transcript of the evidence.

15. Section 13 of the *Inquiries Act* states:

No report shall be made against any person until reasonable notice has been given to him of the charge of misconduct alleged against him and he has been allowed full opportunity to be heard in person or by counsel.

This section is difficult to interpret and apply. In the first place, it must be remembered that I had no mandate to report on the conduct of anyone other than employees of the Department engaged in performing their official duties (see paragraph 5). Accordingly, I considered myself unable to report "against any person" unless I was reporting concerning the official behaviour of a Department employee. Therefore, the s. 13 process of making charges of misconduct, sending notices and conducting hearings was followed, as such, only when a report concerning the official conduct of a Department employee was to be considered. But, in the course of making allegations of misconduct against Department employees, Commission counsel found it necessary to make reference to persons not in the service of the Department. I have found it necessary to make similar reference in order to report fully. I concluded that, in some instances, persons who are not Department employees and against whom I am not reporting should nonetheless have an opportunity of making representations. The s. 13 procedure was inapplicable to them for reasons I have just given; however, I adopted the procedure of sending them a notice inviting them to make representations.

16. A further difficulty concerning s. 13 was the interpretation to be given to the word "misconduct" or "mauvaise conduite". The ordinary dictionary meaning of the word—"improper conduct" or "wrong behaviour" (see the *Oxford English Dictionary*)—was impossibly broad

for the Commission's purposes. Of somewhat more use is the definition given by a United Kingdom tribunal of inquiry and quoted by Sir Kenneth Wheare in *Maladministration and its Remedies* (the 1973 Hamlyn Lectures), where misconduct is defined as "a deliberate dereliction of duty on the part of a person who knows that he is acting wrongfully and in breach of duty." But what is the duty of a public servant? I explore this matter in some detail elsewhere in this report (paragraphs 240-245). I decided that the best approach to this difficult question was to deal with specific cases in light of applicable guidelines and codes of conduct, rather than laying down some general definition of "misconduct" which would almost certainly, removed from a specific context, be devoid of real meaning.

17. I considered it essential that the "charges" contemplated by s. 13 originate with Commission counsel rather than with the Commissioner, and that the Commissioner's role be limited to giving the person against whom the charge is made reasonable notice of those charges and an opportunity to reply to them. I sympathize with the comments of Mr. Justice Wishart Spence on this subject, found in the *Report of the Commission of Inquiry into Matters Relating to One Gerda Munsinger* (Ottawa, 1966):

My difficulty with Section 13 is that it may be interpreted to cast the Commissioner in a dual and a contradictory role. It is the essence of his duty to consider impartially the evidence adduced and the submission of counsel based thereon A Commissioner does not *allege* but rather *finds* and *reports*.

(pp. 84-85)

Mr. Justice Spence required his counsel to state charges of misconduct, which he then conveyed to the persons concerned. "Interpreted in this manner," said Mr. Justice Spence, "section 13 permits a Commissioner to retain his character of impartiality until all evidence has been adduced and every person has had a complete opportunity, on the fullest notice, to be heard in person or by counsel" (p. 85). I adopt Spence J.'s interpretation, and I also agree with his statement that s. 13 should be clarified: "It should be made plain that what the Commissioner or his Secretary is required to notify a person of is the 'charge of misconduct alleged' against him by others who have made that allegation before the Commission, not any tentative conclusion the Commissioner may be said to have formed" (p. 85).

18. At the end of the Commission's hearings, senior Counsel Joseph R. Nuss made charges of misconduct against some Department employees. The employees in question were informed in advance of the date

of the submissions. Following these submissions, I wrote to the persons concerned informing them of the charges made against them and enclosing the transcript of the submissions which set out the charges of misconduct *verbatim*. I advised them that under s. 13 they had the right to be heard in person or by counsel. Messrs. Georges-Etienne Desrochers, Gaston Therrien and René Primeau availed themselves of this right and representations were made on their behalf by their lawyer, Mr. Denis Boudreault.

IV. PHASES OF THE INQUIRY

19. The Commission first examined those Department files subject to its investigation. Various supplementary information was obtained from the Department. Royal Canadian Mounted Police investigators assigned to the Commission supplemented the information in some files and located some file subjects and other prospective witnesses. The Commission examined, in all, 509 Department files, of which 407 were retained as relevant.

20. The second phase of the inquiry consisted of interviews by Commission counsel with subjects of Department files and other persons involved in the inquiry. At the same time, I met with Department officials and representatives of various ethnic groups. I also arranged for legal aid to be available to qualified persons.

21. Commission counsel interviewed 514 people before the hearings. In almost all cases, persons to be interviewed were requested to attend in a letter delivered personally which set out their right to be accompanied by counsel and their right to use the services of interpreters provided by the Commission. The time of the interview was arranged to suit the witness's convenience. Interviews were held in the Commission's offices, and were generally taken down by court reporters.

22. Meetings with representatives of various ethnic groups were held informally in my office; counsel were not present, and no record of any meetings was retained. All those who were invited to meet with me responded to the invitation. None of my report is based on these discussions.

23. The third phase of the Commission's inquiry consisted of the hearings, which began on April 23, 1974, and finished on August 19, 1975. Altogether, the Commission heard 392 witnesses. (Thirty-eight witnesses were heard more than once.) The transcript of evidence is 16,667 pages long, in 97 volumes. There were 607 exhibits. The Commission sat outside Montreal only twice, once in Vancouver, and once in London, England, where an employee of the Department posted in Europe gave evidence in the offices of the Canadian High Commission. Bruno Pateras, Q.C., took the evidence of a witness in India, pursuant to a Commission which I issued to him. (Lists of counsel, witnesses, exhibits, and dates and places of hearings appear in Appendices 5, 6, 7 and 8).

24. Two witnesses gave part of their testimony *in camera*. In one case, the public was excluded but the media were allowed to remain on the condition that they would not report on the evidence, since that evidence was of doubtful probative value at that particular time and could have caused unwarranted prejudice to an immigration officer. It later turned out that this evidence was corroborated and was of value to the Commission. In the other case, a female witness appeared reluctant and embarrassed to testify on matters of a sexual nature. This time the public including the media was excluded. In all other instances testimony was given in public.

25. Each witness was informed in a letter attached to the subpoena served on him of his right to be assisted by counsel, and of the availability of interpretation services. All witnesses were subpoenaed, with the exception of the immigration officers, who attended voluntarily, and a few witnesses who happened to be present at a time when it seemed helpful to have them testify or who asked permission to be heard; more often than not these latter persons were friends or relatives accompanying a subpoenaed witness. The Commission permitted cross-examination by counsel representing the immigration officers, and by others when their interests were affected by the evidence.

26. The Commission's mandate does not identify by name any of the immigrants whose files are to be investigated, and in the preparation of this report I have tried, when desirable and so far as feasible, to preserve their anonymity.

27. Finally, after the hearings were finished, all the testimony was studied, conclusions and recommendations were formulated, and this report was written. In many respects, writing the report was the most difficult part of the inquiry. I took time and care to try to ensure that I respected and executed my mandate. My report is based on facts

properly established by evidence placed before the Commission. From time to time, however, I did find useful and take into account research performed by Commission staff and others, and documentation obtained by or submitted to the Commission. An extensive brief submitted by the Manpower and Immigration Union of the Public Service Alliance of Canada proved helpful.

28. During both the hearings and the writing of the report, Commission staff and I were continually researching not only difficult points of law that arose from time to time but also immigration policy, practice and problems in Canada and other countries. I also discussed various matters with officials from several departments of the Canadian government and others knowledgeable in the matters I was considering. I thought such consultation of particular importance, because a broad understanding of immigration helps place particular problems in the appropriate context. In keeping with this approach, members of the Commission staff and I visited Washington, New York and London to discuss immigration matters with officials of the United States and United Kingdom governments. We also visited immigration facilities at both Dorval Airport and Alexis Nihon Plaza where we were able to observe each step of the immigration process at first hand. The fruits of that consultation and observation are reflected in this report.

PART TWO

Introduction

I. THE INQUIRY IN CONTEXT

29. As my earlier description of this Commission's mandate makes clear (paragraphs 5-10), my task was a limited one. My inquiry was only an inquiry into certain aspects of the Montreal business of the Department, and into the conduct of a handful of the Department's Montreal employees. The Commission did not itself choose the files to be investigated, and I have no reason to believe that they were in any way representative; indeed, these files were chosen not as a random sample but precisely because the Department had some reason to be concerned about them. Furthermore, the investigated files represent a very small fraction of the total number of files processed by the Department in Montreal during the period in question. The Commission examined less than 1 per cent of the files processed in 1970 and 1971, and just over 1 per cent of the 1972 files.

30. Although my mandate was narrow, it required me to consider the complex, important and at times emotional subject of immigration. The behaviour of individuals, be they immigrants or Department employees, and the way in which the Department operated can only be properly understood in the context of this larger problem. As the world population increases at a dramatic rate, with a disproportionate increase occurring in the economically less fortunate countries, the pressures of international migration to affluent countries of the western hemisphere becomes intense. The recent *Report of the Canadian Immigration and Population Study* (Green Paper on Immigration, 1974)

noted the following striking feature of the post-1967 immigration movement to Canada:

In 1966, the last year before the present selection procedures were introduced, 76 per cent of immigrants came from Europe. Asia accounted for only 6 per cent of the total movement. By 1973, European countries were the source of 39 per cent of the annual flow, while Asia's share of the movement had climbed to 23 per cent. Asian nations (led by India) and the Caribbean countries (Jamaica and Trinidad) had replaced such countries as Germany and France that had traditionally appeared on the list of the first ten source countries.

(Volume 1, p. 32)

The pressure continues to grow apace. The Green Paper observed:

The projections forecast that by the 1990s the presently less developed regions of the world will be gaining population at the rate of 94 million a year, accounting for seven-eighths of the projected annual increase in the world as a whole. The political, social and economic challenges for the international community that world demographic projections portend are staggering. . . .

(Volume 1, p. 41)

Even now, the work of the Department and its employees is done under severe pressure. In 1973, for example, Canada received 184,200 immigrants (*Report, Immigration and population statistics*, Table 3.1). In that year, 136,943 applications for immigrant visas received at immigration posts abroad were approved, while 100,740 were refused and 57,554 were cancelled (Table 4.1). A total of 31,857 cases (a case refers to one or more persons, *e.g.*, an immigrant plus his family) were processed in Canada (Table 4.2). This report, and the conduct of the Department and its employees, must be seen in light of the unrelenting attempts every year, by tens of thousands of people, to gain permanent residence in Canada.

31. The Commission took testimony in the main from poor and uneducated people who had sought desperately to settle in Canada as a way of escaping deprivation and ensuring the future of their families. They were prepared to do whatever was necessary in order to gain entry into this country. If residence was achieved, the immigrant would often turn his hand to helping family or friends left behind. Often, would-be immigrants or immigrants seeking to assist others fell into the hands of those ready, for money, to exploit them. The human dimension of my inquiry was at times profoundly moving; as the Commission took testimony, a poignant human drama unfolded.

II. THE DEPARTMENT IN CONTEXT

32. In order to report fully and fairly on the state and management of that part of the business of the Department falling within the Commission's mandate, I felt it necessary to examine the laws and regulations in force at the time the files under scrutiny were processed, together with certain aspects of the Department's organization. The Commission prepared a succinct study of these matters, reproduced in Appendix 9. I here outline some aspects of this study to assist the reader in understanding the subsequent narrative.

A. THE LAWS AND REGULATIONS

33. In 1967, by new regulations (P.C. 1967-1616) adopted under the *Immigration Act*, persons who had entered Canada as visitors were allowed, while in Canada as non-immigrants, to make application for permanent residence. Before 1967 (and now), such applications could not be made in Canada, and were normally made in the applicant's country of origin. At about the same time that the regulations were changed, a new Immigration Appeal Board was created by statute (*Immigration Appeal Board Act*, R.S.C. 1970, Ch. I-3); the new Board had jurisdiction to hear an appeal from any person ordered deported under the *Immigration Act*. The combination of these two changes produced an unmanageable situation. Large numbers of so-called visitors to Canada made, while here, applications for permanent residence, and a huge number of appeals from deportation were lodged with the Immigration Appeal Board. On November 5, 1972, at midnight, the right of a visitor to apply for permanent residence while in Canada, with a few exceptions, was abolished. Since then, applications for permanent residence must be made outside this country. On August 15, 1973, the right of appeal from a deportation order by a person entering Canada without an immigration visa was repealed. At the time of this repeal, there were 18,546 cases pending before the Immigration Appeal Board and it was taking approximately two years to process an appeal. The appeal backlog has now been practically eliminated.

B. THE SPECIAL PROGRAMS

34. During this period, two special programs were instituted by the Department to reduce the huge backlog of cases in the immigration

system. These programs were of particular interest to the Commission since a large number of the files investigated had been processed according to one or other of them.

35. On June 23, 1972, the Canada-wide administrative program "Project 80" came into force. This program applied to three categories of cases: (1) those already referred to a Special Inquiry Officer; (2) those whose applications for landed immigrant status had been registered before midnight, June 23, 1972; and (3) those who were already in Canada legally at midnight, June 23, 1972, and who subsequently filed applications for landing prior to the expiry date of the period for which they had been granted non-immigrant status. With respect to these cases, immigration officers and Special Inquiry Officers were instructed to use their discretion generously. The basic criterion applied was simple: was the applicant likely to establish himself successfully in Canada? At the same time, a special group of appeals officers was recruited to review the Immigration Appeal Board's backlog. Three types of cases were identified and reviewed: (1) those where the appellant had failed to qualify in accordance with the norms of assessment; (2) those where the appellant had reported after his non-immigrant status had expired or had taken unauthorized employment; and (3) those where the appeal would likely be allowed by the Board because of legal precedents in the appellant's favour. The same criterion was applied to these cases as was used in the special inquiry backlog. When it was decided that an appellant merited the favourable use of discretion, he was asked to file a petition jointly with the Department to the Board asking that the Board decide in the appellant's favour. In these cases, the Board dismissed the appeal, but then quashed the deportation order and directed landing under s.15 of the *Immigration Appeal Board Act*. Where there were legal precedents in favour of the appellant, the Department simply notified the Board that it did not intend to contest the appeal. Statistics furnished by the Department show that in all of Canada 19,113 persons were processed under the terms of Project 80, of which 13,106 had obtained landed immigrant status by February 28, 1974.

36. A second program—known as "Operation Make My Country Your Country" or "Opération Mon Pays"—was established by Bill C-197, which came into force on August 15, 1973. This program, sometimes called Project 97, provided a "once-and-for-all" opportunity for people who did not have landed immigrant status, and who were in Canada as of November 30, 1972, and who had remained here since that date, to apply for landed immigrant status, provided they registered within sixty days of the proclamation of the Bill. The criteria outlined

in special regulations implementing the program were very generous, and very few applicants failed to qualify. The cases of those persons already in the inquiry process, or who had been ordered deported and were awaiting appeal, and were therefore ineligible to register, were reviewed and dealt with in the same manner as under Project 80. Department statistics show that 32,003 persons were processed under *Opération Mon Pays*.

C. THE DEPARTMENT ITSELF

37. As I have already mentioned, following the 1967 changes in the immigration regulations (and particularly in 1972) the Department in Canada was faced with large numbers of "visitors" applying for permanent residence. This pressure was reflected in the files examined by the Commission. Out of the 407 files relevant to the Commission's inquiry, 370 were those of persons who entered Canada as "visitors" and applied for permanent residence while here. Most of those entered in the latter part of 1972. Since the Department had not correctly assessed the likely effects of the 1967 changes, it had insufficient personnel to deal with such a flow of applicants. Thus the employees in the Department were under considerable pressure to complete interviews rapidly to cope with the applications and prevent an increase in the backlog. Officers were urged to take a "positive attitude" with respect to applicants, to make more frequent use of their discretionary power to admit an applicant with insufficient points, and generally to accept an application whenever possible.

38. Nor did the Department, at the time, have adequate investigative facilities. The Department's small Investigation Section, operating with five or six people in Montreal, was mainly concerned with matters that might involve criminal offences. The R.C.M.P. Passport and Visa Section in Montreal, to which criminal investigations were referred, consisted of six officers. No facilities existed, for example, for the verification in Canada of such documents as school certificates, certificates of employment from the country of origin, letters offering employment in Canada, and bank statements indicating the amount of money in the applicant's possession. Nor were there facilities for tests of skill and experience in a claimed trade or profession. Occasionally documents were referred to the country of origin for verification, but this procedure took months and did not guarantee proper results. These difficulties were a direct consequence of allowing visitors to apply in Canada. Only officers abroad, when the application is made abroad, can properly assess the document and confront the applicant with it if necessary.

39. This situation demoralized many officers in the Department. It seemed pointless to reject an applicant. To do so was not to embrace the “positive attitude” urged on all. The consequence of rejection, more often than not, was an appeal that took years and finally resulted in landing, either because while waiting the applicant acquired the necessary qualifications for permanent residence, or because of the effects of a special program. It should be noted that the Immigration Appeal Board in deciding an appeal determined not only whether the immigration officer had made a correct assessment, but also (even if the decision was correct) whether the applicant should be admitted because at the time of the appeal hearing he met the required standards. Evidence before the Commission showed, much to the Department’s credit, that despite these serious difficulties, immigration officers continued to behave in a courteous and helpful manner to applicants.

40. Finally, it appears from evidence before the Commission that most immigration officers had only minimal training, and were often unaware of more general matters, knowledge of which was necessary for the sound assessment of applicants.

III. CONDUCT OF DEPARTMENT EMPLOYEES

41. A handful of employees of the Department in Montreal had intimate relations with women having business with the Department. This conduct was contrary to the accepted standards of conduct for public servants. This misconduct, fortunately not widespread, affected the treatment of some individual files and reflected adversely on the Department as a whole.

IV. THE IMMIGRANTS IN CONTEXT

42. The state of the Department affected the activities of the immigrants. It took only a few immigrants to gain entry as “visitors” and

subsequently receive landed immigrant status for the word to get round and for the trickle of phony visitors to become a steady flow. It took only a few to get permanent residence easily by pretending to be businessmen for the number of immigrant “businessmen” to multiply substantially. The weaknesses of the Department were quickly exploited. Applicants knew that a refusal of their request gave them a right of appeal that took approximately two years to process, during which time they could stay in the country and work. Manifestly unqualified persons applied and went to appeal. There was nothing to lose and everything to gain. Schemes were started, and were encouraged by notions of “amnesty” that were in the air and by the extraordinary delay in processing appeals from unfavourable decisions. Those who resorted to subterfuge, as described later in the report, are now almost all landed immigrants. They succeeded in their initial purpose to settle permanently in Canada. Unfortunately, this occurred in the majority of cases investigated by the Commission. This is a deplorable result indeed. I must add immediately that their success was in no way connected with wrongdoing in the Department.

43. The Commission heard much testimony about “visitors” to Canada, who, quickly impressed by Canadian life, applied for permanent residence very shortly after arriving in the country. These “visitors” had usually left families at home, and had paid the equivalent of two or three years income in their country of origin, in order, according to their account, to travel to Canada to see the Montreal metro, or Niagara Falls, or some such place. At times, these “visitors” came in groups, organized in their country of origin, for a fee, by a fellow-countryman. When application was made in Canada for permanent residence, the “visitor” sometimes produced suspect school certificates and letters testifying to previous employment, and doubtful letters offering jobs in Canada.

44. Some immigrants, when they applied in Canada for landed immigrant status, sought and obtained the advantageous status of “businessman”. Many stratagems were employed to convince the immigration officer making the assessment that the applicant was a businessman. Business names were registered at the Montreal Court House (a simple procedure costing a nominal sum), and the registration produced as evidence of a flourishing enterprise or, at the very least, as evidence of an honest intention to start a business. Borrowed money was deposited in the applicant’s account so that a bank letter testifying to a healthy balance could be produced on the day of assessment; the day after assessment, the money was withdrawn and repaid. Business premises

were rented, never to be used. Goods were ordered, and the order quickly cancelled. In some cases, small enterprises were actually begun, to be closed down once the proprietor had been assessed as a businessman.

45. In one case, someone already landed in Canada started a “business” with Ontario government financial support, and then went to India to recruit workers. Those recruited paid for the privilege. When they arrived in Canada, there was nothing for them to do. The business was a sham. The plant was full of rusty and useless machinery. The company is now in receivership.

46. Some immigrants had unfortunate experiences with Canadians who were, ostensibly, trying to assist them. A Montreal lawyer opened a counselling service which charged high fees for perfunctory representation of immigrants before the Department. A handful of male immigration officers entered into intimate relationships with women who, at the time, had business pending before the Department. In some cases, this relationship influenced the officers concerned to treat certain files favourably, and in other cases it may have given rise to unfulfilled expectations of favourable treatment.

47. The immigrants’ stories uncovered by my investigation were often stories of activity contrary to the *Immigration Act*, and occasionally involved behaviour that was bizarre. It must, however, be remembered that this Commission examined only a handful of files, and those files were selected because of suspicions that had arisen concerning them. I have no reason to think that the facts I recount in this report are in any way typical of immigrant activity, particularly since by far the larger number of applications was processed outside Canada.

48. Almost all the immigrants from whom I took evidence are now permanent residents of Canada (approximately half achieved this status under the terms of either Project 80 or Project 97). Almost all were gainfully employed in jobs, albeit often earning only the minimum wage. None were on welfare.

49. A chart giving full information on each of the 407 files investigated and retained by the Commission appears as Appendix 10 to this report. The chart shows that more than 75 per cent of the applicants investigated came to Canada in 1972; and over 90 per cent entered the country as visitors and subsequently applied for permanent residence; that about 60 per cent came from India and 33 per cent from the Caribbean; and that about 85 per cent are now landed immigrants.

PART THREE

The Department

I. INTRODUCTION

50. This chapter deals with that part of my mandate which requires me to investigate and report on the state and management of the Department pertaining to the matters mentioned in my terms of reference. The main elements of the organization and administrative framework of the Department are outlined in Appendix 9. To facilitate methodical treatment of the files under investigation, I divided those files into three groups. The first group consists of fifty-six files, forty-four of which are enumerated in paragraph (a) of the first Order in Council (P.C. 1973-3454), four in paragraph (a), of the second Order in Council (P.C. 1975-1685), with the other eight having been added as related files in accordance with paragraphs (a) and (e) of the first Order. File numbers and other basic information concerning this group are to be found in the general chart which appears as Appendix 10-A to this report. Most of the files in the first group are files of women applicants from the Caribbean whose names appeared in an immigration officer's "black book" which was seized by the R.C.M.P. This seizure was one of the events that led to the creation of the Commission. Of the first group forty-five members gave evidence before the Commission; one, although served with a subpoena, did not appear; and the rest could not be found, despite an intensive R.C.M.P. investigation. All but ten members of this group entered Canada as visitors. All but one are now landed immigrants, only seven through special programs.

51. The second group consists of eighty-three files, sixty-five of which are enumerated in paragraph (a) of the Order in Council. The remaining eighteen were added in conformity with paragraphs (a) and (e) of this Order. Again, file numbers and other basic information concerning

this group can be found in the general chart in Appendix 10-B. Second-group files are files which the Department came to suspect of being irregular in some way. Of the second-group files, seventy-seven subjects were heard before the Commission; the others were not traced, despite exhaustive R.C.M.P. investigation. A total of sixty-eight members of the group entered Canada as visitors; six gained entry as businessmen under s. 7(1)(h) of the *Immigration Act*; and eight were admitted with one-year work permits. All but two were from India. All subsequently applied for permanent residence in Canada. All except six are now landed immigrants; two were deported, and two left Canada voluntarily. Only eleven were landed through special programs.

52. The third group consists of 268 files of persons represented by S. M. Byer or of persons who engaged the services of Immigration Visa Services of Canada, a firm in which Byer was the partner and principal participant. I describe how these persons were identified in paragraph 189. The Commission originally examined 370 of these files. Detailed information on the third-group files appears in the general chart in Appendix 10-C. Of the 268 persons in question, all but 12 entered Canada as visitors; 217 subsequently obtained landed immigrant status, 181 under either Project 80 or Project 97. Of this group, 84 came from the Caribbean, and 162 from India. Counsel wished to call before the Commission 208 members of this group. One hundred fifty-seven gave evidence; 14 had left the country voluntarily; 3 had been deported; the others could not be found by the R.C.M.P.

II. COMMON PRACTICES

53. Before entering into a detailed account of each group, I consider it essential to describe practices common to them all. These are posing as visitors; using intermediaries; presenting documents of doubtful value; and working before applying for permanent residence.

A. VISITORS IN GENERAL

54. Almost all members of the first group declared at the port of entry that they were coming to Canada as visitors and were admitted on

that basis. Of those questioned on this matter nine admitted that their true intention had been to seek the status of landed immigrant once they gained entry and fifteen persisted in claiming before the Commission that they entered as *bona fide* visitors, although the weight of evidence indicated otherwise. These immigrants were living in disadvantageous circumstances in their country of origin. They came from the Caribbean where they were earning only thirty or forty dollars a month. The price of an airline ticket and passport represented many months' salary. In order to visit Canada, they left their employ and sold their belongings. And these "visitors" applied for permanent residence in Canada very soon after their arrival.

55. I have already noted that, of the second group, sixty-eight sought entry to Canada as visitors. Only four were not accepted as *bona fide* visitors at the port of entry. As with the first group, the great majority if not all of the second-group "visitors" came to Canada with the intention of seeking landed immigrant status once they got here. In giving evidence before the Commission, twenty-seven admitted that this was the case, while thirty-five persisted in their original pretense. Most members of this group came directly from India where they were earning approximately forty dollars a month. Most were married with children, and almost all had never been outside their country.

56. Apparently it was widely known in those areas whence these immigrants came that anyone wishing to emigrate to Canada could enter as a tourist and later apply for permanent residence. This information was circulated in newspaper articles, by travel agencies, and by relatives and friends, and friends of friends, already settled in Canada.

57. Those leaving for Canada were instructed by those in the know not to take with them documents—for example, school diplomas or letters of reference from former employers—that would indicate to Canadian immigration officials, if discovered, that the "visitor" intended to settle in Canada. The usual arrangement was for these documents to be mailed by friends or relatives after the "visitor" had gained entry. Indian government exchange regulations were circumvented by turning money over to travel agencies and airlines which would repay these funds outside India.

58. When they arrived in Canada, these "visitors" would tell immigration or customs officers at the port of entry that they had come to Canada to see Niagara Falls, Toronto, Expo, or some other notable sight. It should be noted that, then as now, at most ports of entry customs officers performed the primary examination of those seeking to enter the

country. Doubtful cases were referred to the immigration officer for secondary examination. If the immigration officer was in doubt, he at times requested the posting of a bond to ensure that visitors returned to their country. When refused entry, they went to special inquiry, and if there unsuccessful lodged an appeal with the Immigration Appeal Board. If they were admitted as visitors, they would soon after apply for permanent residence in Canada; if refused then, they would go to special inquiry and subsequently to appeal.

59. I have already noted that of the 268 members of the third group, all but 8 entered as visitors. Again, these "visitors" were not visitors at all; they intended to remain in Canada. One hundred fourteen were not accepted as *bona fide* visitors at the port of entry. One hundred admitted their true intentions before the Commission. In 38 additional cases the evidence clearly established that the applicants had not entered Canada as *bona fide* visitors.

60. Those witnesses who maintained before the Commission that they entered Canada as genuine visitors often gave colourful explanations of their sudden decision to seek permanent residence. For example:

[TRANSLATION]

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

- Q. Now, what did you see during those thirty-six hours that prompted you to leave your country of origin and apply for permanent residence?
- A. It's because I saw the metro, the architecture, the gigantic architecture of the metro. That interests me, because I was amazed, it was the first time I'd seen anything like that; that a train which travels underground, on an underground track. So, I was astounded, and then I saw more buildings; because I know like that; and the transportation system here; and I see that life here, it interests me

(E-3205)

To give another example:

MR. ROGER POTHIER,
Counsel for the Commission:

- Q. What was the purpose of your trip in Canada?
- A. Visit.
- Q. Hein?
- A. Visit.
- Q. And what did you intend to visit, at that time?
- A. *Intend*, I don't understand.
- Q. Did you have any intention to visit any part of this country?

- A. . . .
- Q. Or to visit farm lands?
- A. Not particularly; just farming, and all over.
- Q. Did you have any precise idea of what you were going to visit in Canada?
- A. Yes, I did.
- Q. Do you remember what you told to the Immigration officer?
- A. Right. I came to visit actually farms, and all the cities, and how the people are living . . .
- Q. Did you know what you were going to visit?
- A. . . . culture — pardon?
- Q. Did you know what you were going to visit?
- A. Yes.
- Q. Well, why did you declare to the Immigration officer that you were going to see sugar cane harvesting in Canada?
- A. Yes, that's what I told.
- Q. That's what you told to the Immigration officer?
- A. I visit farming, and I like to see how they work, how they grow the crops.
- Q. Yes, but sugar cane harvesting in Canada, it is not possible to see that in Canada.
- A. Sugar cane?
- Q. Yes. Don't you remember having said that to the Immigration officer?
- A. No sir, I don't remember. (E-4361-2)

Most "visitors" very quickly decided they wanted to settle in Canada. As one put it:

MR. ROGER POTHIER,
Counsel for the Commission:

- Q. You had come in as a visitor and suddenly within ten days you decided to become a permanent resident?
- A. I see the people there and I was reading the books and I find that there is more opportunity here and I knew that I had graduated.

(E-7053)

B. VISITORS IN GROUPS

61. The phenomenon of "visitors" to Canada can best be understood if one considers the particular manifestations I will now describe.

1. The Parmar group

62. On October 23, 1972, twenty-three people from India arrived at Dorval International Airport in Montreal (for full details concerning the Parmar group, see Appendix 11). The leader of the group was Virjibhai

Parmar. All twenty-three declared that they had come to Canada as visitors. The immigration officers did not believe them. A report under s. 22 of the *Immigration Act* was issued for each member of the group. Section 22 states that:

Where an immigration officer, after examination of a person seeking to come into Canada, is of opinion that it would or may be contrary to a provision of this Act or the regulations to grant admission to or otherwise let such person come into Canada, he may cause such person to be detained and shall report him to a Special Inquiry Officer.

A bond was posted for each member of the group by Parmar. Before the date set for the special inquiries, one left for India. At the special inquiries of the remaining twenty-two, the decisions of the immigration officers were maintained. Six then left voluntarily, including one who had filed an appeal from the special inquiry decision. Those now left in Canada all filed appeals, and all were admitted by reason of Project 80, and are now landed immigrants. All members of the group, other than those who left Canada voluntarily, became clients of Byer's firm, Immigration Visa Services of Canada.

63. Every member of the Parmar group who testified before the Commission admitted that the trip had been arranged in India by Parmar for the sole purpose of gaining residence in Canada for Indians who could not gain residence in the proper way. To give one illustration of the testimony:

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

Q. And so you were coming to Canada as an immigrant and not as a visitor, isn't that correct?

A: (INT). We had to follow what Mr. Verjibhai [sic] was telling us and we said what Verjibhai [sic] told us to say: we had come here as a visitor and then we had to apply for it.

Q. I understand that's what Mr. Parmar had said but you left India with the intention of establishing yourself in Canada, isn't that correct?

A: (INT). Yes, that is true.

(E-2004)

And another:

A: (INT). It was very well known in the village that people come here as a visitor, and then apply; and we knew this, and we were told that we have to tell that we have come as a visitor.

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

Q. Did you get together your school documents, before you left for Canada?

A: (INT). No, I didn't bring them with me; I left them with my father.

Q. Why did you leave them with your father if you were coming to Canada to settle down?

A: (INT). He [Parmar] told us that if we bring the documents with us, there will be a checking at the airport, and if we are caught, we will be suspected of not entering as a visitor.

(E-1805-6)

Parmar (who apparently runs a textile business in Gujarat state) charged members of his group from ten to fourteen thousand rupees (approximately \$1,330 to \$1,920) to join his expedition. For this sum, a "visitor" received a return air ticket to Canada, between three hundred and four hundred dollars upon arrival in this country, and, most important of all, assurances that once in Canada he would be allowed to stay. The money, in most cases borrowed from family and friends, was paid before departure from India. The fee demanded was a huge sum for Indians earning in most cases about forty dollars a month. And yet they were eager to pay it, and buy a better future.

64. The members of the group met at Bombay Airport and were there given detailed instructions by Parmar. They were told to tell the immigration officer at the Canadian port of entry that they had come to Canada to visit Niagara Falls, Hamilton, Toronto, and so on. They were instructed to explain the money in their possession (vastly in excess of the amount which the Indian government allows someone to take out of the country) by saying that it had been given them by friends during a Paris stopover. Parmar made sure that no one had documents which might suggest to an officer that his true intention was to seek permanent residence in Canada.

65. Two or three weeks after the group arrived in Canada, a meeting was held between the Parmar group and S. M. Byer to discuss immigration procedures. In November, 1972, the Parmar group attended a meeting of the Gujarat Association, a short-lived organization formed by those in Canada who had come from Gujarat. Byer addressed the meeting and told those present that he could take care of their immigration problems. A few days after this second meeting, members of the Parmar group went to the offices of Immigration Visa Services of Canada, a business operated in partnership by S. M. Byer and his cousin Sheldon Mintberg and described more fully in paragraphs 192 to 196. With one exception, each paid \$50 cash and signed post-dated cheques for \$250; the one exception was given Byer's services for nothing, since he undertook to go to work in Byer's office. Byer or one of the employees of Immigration Visa Services then represented mem-

bers of the group at the special inquiries, which were held in November and December, 1972. At their special inquiries, the group members continued to insist that they were only visitors to Canada. Before the Commission, some members said they did so on the instructions of Byer or Parmar. Eventually, on appeal, all became landed immigrants as a result of Project 80.

66. The evidence shows that with respect to this group the employees of the Department at all levels performed their duties in a thorough and competent manner.

2. The Yarmouth group

67. Another example of "visitors" coming to Canada is the Yarmouth group, so called because on August 10, 1972, all eight members of the group arrived together at Yarmouth Airport, Nova Scotia, having come from Jullundur in India (for full details of this group, see the Yarmouth group chart, Appendix 12). Seven of the eight were admitted to Canada as visitors. The eighth was already a landed immigrant. The Commission took evidence from seven of the eight. The missing member of the group had apparently returned to India. Two of the Yarmouth group files were mentioned in the Order in Council creating this Commission; the other five were considered to be a related matter, as stated in paragraphs (a) and (e) of the Order in Council.

68. Three members of the group admitted to the Commission that when they entered Canada their intention was not merely to visit, but to seek permanent residence. Shortly after arrival, all but one, who was already a landed immigrant, applied for permanent residence, and all were ultimately successful in acquiring landed immigrant status.

69. The group met in New Delhi on the eve of their departure. There they were briefed on Canada by one of their number, who had lived in Canada and was apparently acting as a leader of the group. They were told to tell the officer at the Canadian port of entry that they were visitors to Canada. The group left India; stayed in Paris for about a week; went on to New York; took a plane to Boston; and finally flew from Boston to Yarmouth. They were admitted for a limited period only on the condition that a bond be posted for each one. Once admitted as visitors, the members of the group made their way to Montreal by bus.

70. At least one and perhaps two members of the group, acting as leaders, asked the others for payment for their organizational services. The sum demanded was generally a thousand dollars. In fact, it seems

that, with one possible exception, these demands for money by the leader or leaders were successfully ignored by the members of the Yarmouth group.

71. The fact that the immigration officer in Yarmouth required each member of this group to post a bond on entry showed that he seriously doubted that any member of the group was a genuine visitor. Subsequent events show that his doubts were well founded. Under such circumstances, one would expect application of s. 6 of the *Immigration Act*, which reads:

Every person seeking to come into Canada shall be presumed to be an immigrant until he satisfies the immigration officer examining him that he is not an immigrant.

However, s. 63(1) permits an alternative approach:

The immigration officer in charge at a port of entry may require any non-immigrant or group or organization of non-immigrants arriving at such port to deposit with him such sum of money as he deems necessary as a guarantee that such non-immigrant or group or organization of non-immigrants will leave Canada within the time prescribed by him as a condition for entry.

How could the requirement to post a bond be a substitute for satisfying the immigration officer under s. 6? The filing of a s. 22 report was the procedure followed in a number of similar cases. The procedure in this case permitted members of the group to enter Canada legally and then apply for permanent residence. The final irony is that once the members of the Yarmouth group were landed, the bonds that had been posted were refunded by the Department.

72. In the context of the situation in 1972, when an immigrant once in Canada could stay for two years by availing himself of the right to appeal, it was illusory to think that merely posting a bond of a few hundred dollars would in any way dissuade a person from entering the country with the intention of staying. Even if the bond were forfeited, it was a small price to pay for at least two years in Canada, particularly since one was able to work. The situation is different now. Because the appeal provisions have been changed, there is no longer any delay. The immigrant would be less inclined to risk loss of a few hundred dollars knowing that once caught he would be deported immediately.

73. In this matter the officer at Yarmouth acted in accordance with the *Act* and Departmental directives. If anything is to be criticized, it should be the *Act* and not the officer.

3. Other groups

74. Evidence taken by the Commission suggested that many groups of “visitors” may have come to Canada. One witness testified:

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

Q. And where did you arrive?

A. Toronto Airport.

Q. Toronto. Did you come alone?

A. In a group.

Q. How many were you in the group?

A. Eleven (11).

Q. Eleven (11)?

A. Yes.

Q. And what was the name of the leader of the group?

A. [X.]

Q. And this group was organized in India, was it?

A. Yes.

Q. Could you tell us a little bit how it was organized? And how it came about that you came to Canada?

A. In those days, the people came over here everyday, in groups like this, you know.

In those days, people came from India, everyday, they came over here, for Immigration purposes, you know.

And the Indian travel agents, they advertise like that: *If you want to come to Canada, come to us, we will help you*, like this.

So, I went to the travel agent, and he asked me: “For everything, I charge 18,000 rupees.” And I agreed.

(E-10581-2)

75. In order to attract less attention, and perhaps take advantage of less experienced immigration officers, group leaders on occasion chose an out-of-the-way place (such as Yarmouth) for entry into Canada, and “visitors” picked one of Canada’s smaller cities when applying for permanent residence. Sometimes a visitor refused permanent residence by the Department’s office in Montreal would try again in Toronto. Some immigrants came from Toronto to Montreal to apply, under the belief that standards were more relaxed in Montreal. However, the Commission heard no evidence that suggests the rules were applied differently in different places in Canada.

C. VISITORS: CONCLUSIONS

76. Evidence taken by the Commission established that 224 subjects of the files investigated were not *bona fide* visitors to Canada, despite

their claim at the port of entry. Of these 224, s. 22 reports were filed on only 86. The Department identified approximately 1 out of 3 of those posing as visitors.

77. The Commission had considerable time, information and resources to investigate the *bona fides* of someone claiming to be a visitor. When these persons testified before it, most were landed immigrants and, no longer fearing deportation, were prepared to admit their true intention on entering Canada. On the other hand, one must remember the difficulties under which an immigration officer at a port of entry labours. He has a few minutes to make a hard decision. Inevitably mistakes will be made. There is not a shred of evidence to suggest that the rate of error in identifying phony visitors was a result of any wrongdoing in the Department. It should be noted that towards the end of 1972 the rate of error was reduced as the Department began to realize that many "visitors" to Canada were not visitors at all.

78. Although it is no longer possible for someone who has entered Canada as a visitor to apply for permanent residence while still in the country, those here as visitors can, and no doubt some do, go underground. The Department therefore still faces the problem of identifying phony visitors. How might this problem be at least partially solved? The Commission's investigation raised several possibilities. Better training of officers is essential (see paragraphs 231-235). Investigative capability should be increased, with particular emphasis placed on detecting trends in illegal entry. Enforcement mechanisms should be improved, and heavier penalties introduced. One possibility is to establish a system, with appropriate penalties, whereby no employer could hire someone until the employer had established that person's right to work in Canada. It would then be unattractive for a visitor to go underground, knowing that he could never work. Perhaps more frequent use of the system of posting bonds by hosts might ensure the departure of visitors on a given date.

79. A more drastic solution to the problem of visitors is to require everyone seeking entry as a visitor to obtain a visa or entry permit in his country of origin. His intentions could then be investigated at leisure by an immigration officer stationed abroad. Many Canadians might, however, consider such a requirement to be unnecessarily severe and burdensome, involving an expansion of the bureaucracy and an impediment to travel, when almost everyone entering Canada as a visitor is, after all, a genuine visitor. Introduction of such a system by Canada might, furthermore, invite retaliation by other countries which would establish similar systems for Canadians.

80. A less drastic and in my view acceptable approach is to require visas for persons from countries which, it is discovered, are sources of significant illegal immigration to Canada.

81. Of real use would be improvement in the legal representation available to visitors denied entry at a port of entry. Attempts at such improvement have been made, with experimental programs being implemented at Toronto International Airport (operated by the Parkdale Community Legal Service of Toronto) and at Dorval (run by the Centre Communautaire Juridique de Montréal). I comment on these experiments later in my report (see paragraph 224). Improved legal representation might give additional guarantees, both to the Department and to the individual involved, of fair application of the procedures. Immigration officers might, in addition, be more at ease in denying entry to those suspected of not being *bona fide* visitors if legal representation were immediately available to them.

82. The real question to be asked is what measures may be taken to detect and control illegal activity in immigration of the nature and scope revealed by my inquiry without jeopardizing the respect for individual liberty characteristic of a free society. While every effort should be made to ensure proper respect for the law, it may be that Canada should be prepared to pay a certain price for a liberal and flexible approach to the screening of visitors. That price, and it is a small one, is entry into Canada of a very small number of persons who should not be here.

D. THE INTERMEDIARIES

83. The entry into Canada of some of the "visitors" was arranged, for a fee, by persons I call the "intermediaries". Those intermediaries whose activities came to light in the course of the Commission hearings operated, for the most part, in Haiti and India.

84. The Commission heard a great deal of evidence concerning the role of intermediaries in immigration from India to Canada. Much of what I heard is described elsewhere in detail (see, for example, my account of the Parmar group, the Yarmouth group and the Renfrew group). Indian intermediaries assumed various disguises: they ran travel agencies, posed as industrialists seeking workers for Canadian factories, and pretended to be tour organizers or group leaders. Some evidence even suggested that international airlines assisted prospective

immigrants in avoiding Indian currency controls by accepting overpayment of airfare in India and then reimbursing the overpayment in a European city.

85. One Haitian gave this testimony:

[TRANSLATION]

- A. ... I found a fellow when I was talking about the trip, and he told me he could arrange everything for me. I don't have to waste my courage, he can arrange everything for me.
I asked how much that would cost me. He said: "It's over six hundred dollars (\$600)."

THE COMMISSIONER:

Q. Did you pay the six hundred dollars?

A. Six hundred dollars.

(E-11015)

For this large sum of money—representing almost two years income for the witness, who, like most women in her position, only earned about \$30 a month in Haiti—the intermediary promised to supply a passport and an air ticket, and was supposed to go with the witness to Canada and assist her on arrival. The air ticket and passport were provided, but the intermediary then disappeared. The witness testified that she never knew his name, and had met him accidentally. This witness was ordered deported from Canada, but the deportation order was eventually quashed by the Immigration Appeal Board. It should be noted that, at this time, the air fare from Haiti to Montreal was about \$240, and it cost about \$100 to obtain a Haitian passport.

86. Two Haitian women who gave evidence to the Commission identified another intermediary who recruited them on behalf of a Montrealer who had business dealings in Haiti and visited there frequently. He in turn was acting for another Montrealer who wanted to employ two Haitian women as domestic servants. The intermediary told the two women that they would have to pay the costs of the journey to Canada (made up largely of the cost of the air ticket and a passport), and demanded money from each of them for this purpose. The first paid him about \$430, and the second about \$650. When they arrived in Canada, the women discovered that their prospective employer, and not the intermediary, had paid the travel expenses, and one woman was required to reimburse her employer, thus paying twice over. Both women were instructed by the intermediary to tell the officer at the Canadian port of entry that they were visiting Canada. To assist the women in deceiving the Canadian immigration authorities, he gave them a cheque for \$500 to be shown at the port of entry as evidence

that the women had enough money to visit Canada. This cheque was later returned to him. Despite this stratagem, the women were not accepted as visitors and were released on bonds pending their hearings before a Special Inquiry Officer. Once in Canada, both worked for a short time as domestics. Ultimately, after unsuccessful special inquiries and appeals, both were granted landed immigrant status under the extension of Project 80.

87. Before the Commission of Inquiry was established, the Department had become aware of the activities of the intermediary, and had conducted an investigation. As a result of this investigation, the Department was apparently satisfied that both Montrealers were innocent of any wrongdoing. The villain seems to have been the intermediary, and he is out of reach.

88. A Haitian travel agent who at one time had lived in Montreal was identified as another intermediary by a woman witness who was introduced to him by a mutual friend. The intermediary told her that for \$600, employment in Canada could be arranged, and an air ticket and passport provided. The witness testified in part:

[TRANSLATION]

A. All you know is that he can arrange everything for you. You go to his house.

[THE COMMISSIONER:]

Q. Is that well known?

A. Yes.

Q. It is well known?

A. Yes.

Q. Do you know any others? Was that one of the best known? Or were there others doing the same thing?

A. Oh yes, there are many agencies in Haiti doing the same thing.

(E-9819)

This witness was accepted at the port of entry as a visitor, later applied for permanent residence but did not meet the requirements and was ordered deported. Eventually she was granted landed immigrant status under an adjustment of status program (Project 80). The intermediary now lives in Haiti.

89. The Commission took evidence from only four Haitians who had employed the services of an intermediary. Yet some of the testimony (see paragraph 88 for one example) suggests that the use by Haitians of intermediaries to arrange entry to Canada has been widespread.

90. While questioning “persons represented by S. M. Byer . . . who had dealings with the Department”—see paragraph (b) of the Privy Council Order—the Commission took evidence from two persons who brought the Commission’s attention to an intermediary system that appears to have brought a number of people to Canada from Portugal. This information came to light at a very late stage in the life of the Commission, and there was little point in attempting to trace everyone involved and take his evidence. The Commission did, however, question the head of the operation and three of his clients, and I am reasonably certain that the testimony of these individuals establishes the pattern of what took place.

91. The Commission took testimony from a real estate administrator operating through two companies in Montreal. He acquired a large parcel of land in St. Hubert, Quebec, for about five and one-half cents a square foot. In 1972 he arranged through his nephew in Portugal to sell lots of about 6,000 square feet for approximately thirty-three cents a square foot. The lots were to be paid for by a deposit of \$100 to \$200 paid in Portugal, with the balance of the \$2,000 to be paid in Canada over a period of up to five years. The lots were undivided, not registered, not serviced, and had no ready access. The evidence shows that the lots were sold to Portuguese who subsequently came to Canada as visitors and then applied for permanent residence.

92. The Commission heard three witnesses, each of whom had purchased, in Portugal, one of the St. Hubert lots. All three testified that they had been approached in Portugal by the real estate administrator’s representative, who, according to one witness, was known by many as a person in the business of facilitating the immigration of Portuguese to Canada. He offered them land in St. Hubert, and told them that owning land in Canada guaranteed their obtaining permanent residence there. All three agreed to buy land, and paid a deposit of either \$100 or \$200. The “purchasers” were told that once they got to Canada, the seller of the land would get them a job and help them with immigration procedures. They were told where to buy their air tickets, and instructed to tell the officer at the port of entry that they were coming to Canada to visit.

93. The evidence shows that a scheme was developed to sell land to people in Portugal at grossly inflated prices, inducing purchase by claiming that owning land in Canada guaranteed the granting of permanent residence by the Canadian authorities. There is little doubt that the Portuguese immigrants involved in land purchases participated

in a transaction which in their minds would facilitate the obtaining of permanent residence in Canada.

94. In the case of the three purchasers questioned by the Commission, the land transaction had no influence on the Department's decision to grant them permanent residence. Indeed, only one witness might have brought his purchase to the immigration officer's attention.

95. In its brief to the Commission, the Manpower and Immigration Union of the Public Service Alliance of Canada at one point makes the following comment:

Control of the agents abroad is clearly the responsibility of the governments of the countries in which they live and operate. Canadian authorities presumably can do little more than report, to those governments, the effects of the agents' activities and make the strongest possible representations for action against such people. In addition, the Department should use maximum publicity in these countries to convince travellers they have nothing to gain and everything to lose by allowing themselves to fall into the hands of these "arrangers".

With respect to the intermediaries I endorse these remarks. I think it particularly desirable that the Department publicize how essential it is for anyone wishing to settle in Canada to use the normal immigration procedures.

E. CERTAIN DOCUMENTS

96. The "visitors" to Canada I have been discussing, when applying in Canada for landed immigrant status, often presented to the assessing officer documents intended to substantiate claims concerning education and job experience, employment offered the applicant in Canada, and financial resources, all of which could carry higher points.

97. When testifying before the Commission, fifteen witnesses produced letters, concerning education or work experience in their country of origin, which were dated before they left their homeland, but had been obtained after their arrival in Canada. Those entering Canada as visitors, but in reality seeking permanent residence, were well aware that an immigration officer at the port of entry would suspect their real intentions if letters of this kind were found on their person or in their baggage. The explanation given to the Commission for sending for the letters after arrival in Canada was often colourful:

[THE COMMISSIONER:]

Q. Why didn't you bring it with you?

A. No.

Q. Why?

A. Because I have weight, my clothes and everything.

Q. You have what?

A. Weight.

Q. You have weight?

A. Yes.

Q. Don't tell me the letter was too heavy to carry?

A. ...

(E-9968)

In some cases, the evidence suggested that the letters were prepared when dated, and had been sent for later; in other cases, it seems that the letters were prepared when the "visitor" wrote, but were suitably backdated.

98. At least some of the letters obtained in this way testified to experience the visitor had never had. The organizer of the Renfrew group (see paragraphs 154-183), Mr. A. F. Gomes, when a member of that group was assessed, handed to the assessing officer a letter testifying to the work experience in India of the applicant. The subject of that letter testified to the Commission:

[THE COMMISSIONER:]

Q. Now, did you read that letter?

Would you show it to him? I am referring to the letter filed as Exhibit 336.

Is it true, what he said in it?

A. (Int). It is all false.

(E-6792)

Yet the O.S. 8 form filled in by this applicant duplicates the information contained in the letter. The O.S. 8 forms of two other members of the Renfrew group gave similar work histories; here too, it seems, false letters were presented, although the Commission was not able to obtain them. One of these two applicants testified:

A. ... he says: "You have to forget what you study and what you have done, just write these things because you are coming on this basis to Canada."

MR. ROGER POTHIER,
Counsel for the Commission:

Q. Who said that?

A. Mr. Gomez [sic].

(E-6822)

99. Twenty-one witnesses admitted that letters offering them jobs in Canada, which they had shown to the assessing officer, were only “letters of convenience”. One witness, for example, was offered a job in a Toronto gift shop owned by a friend of a friend, someone he had never met. Commission counsel questioned this man about the job:

[MR. ROGER POTHIER,
Counsel for the Commission:]

Q. Did you ever work in that boutique?

A. No.

Q. Did you ever go to work there?

A. I went there, I see there.

First of all, I went to Ottawa, and then I went to Toronto.
And then, I stayed a couple of days, and I didn't like it.

Q. Did you work in the boutique?

You didn't?

A. No.

Q. You didn't give a try to the job.

A. No.

Q. You were not really interested?

A. No, sir.

(E-6871)

100. Some evidence suggested that letters testifying to work experience abroad were fabricated in Montreal. One witness testified:

[MR. ROGER POTHIER,
Counsel for the Commission:]

Q. You also filed with your intention to apply with your application for permanent residence, a letter of employment from [X] Engineering Works and it is dated May thirty-first (31st) nineteen seventy-two (1972)?

A. Yes.

MR. ROGER POTHIER,
Counsel for the Commission:

Well, we file as Exhibit one hundred and seventy-five (175) a copy of that letter.

MR. ROGER POTHIER,
Counsel for the Commission:

Q. Later on, Mr. [Y], you admitted that this letter was false?

A. Yes, I admitted it.

Q. Can you tell us when it was filled in and where?

A. It was filled out in Montreal.

THE COMMISSIONER:

Q. Just a minute: the letter is a letter from India, is it?

MR. ROGER POTHIER,
Counsel for the Commission:

Yes.

THE COMMISSIONER:

Q. Which was filled out in Montreal?

A. Yes.

Q. By whom?

A. By the same guy, [Z].

Q. By the same guy who helped you with your form?

A. Yes.

(E-4001-2)

101. Paragraph (b) of the Order in Council empowered the Commission to investigate and report upon the state and management of the Department pertaining to persons represented by S. M. Byer, a Montreal lawyer. Byer, and Immigration Visa Services of Canada, a business in which he was a partner for a short period of time, supplied a number of job letters for clients.

102. Two such letters were written on the stationery of a Montreal service station. Each letter is signed with the name of the president of the company, but Byer admitted that it was he who signed the president's name. The president testified that Byer was a regular customer of the garage, and one day asked him for some blank letterhead stationery to be used to help immigrants gain landed immigrant status. The garage owner testified that he did need workers at the time, but stated that none of the workers who used the Byer-prepared letters ever worked for him (except one, for a few hours), and testified that the persons in question were not qualified to work for him. The garage owner testified:

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

Q. . . . You say you gave him four (4) or five pieces of your stationery?

A. Yes. He came one day, up, and he proposed that he has some people coming in from other countries, and they are looking for a job. And if he gets across one who suits my type of business, if he can send them up. I said: sure, naturally, anytime.

So, for that purpose, he says he needs letterheads so he can write a job recommendation, like to the Immigration Department. And for that reason, I gave him the stationery.

But I never knew that he signs my name there, you know.

(E-8739-40)

At the time, the garage owner did not authorize Byer to sign his name on any letter. Later, however, on May 10, 1974, after the Commission had begun its investigation, Byer got the owner to sign an affidavit, sworn before Byer himself, stating that *bona fide* job offers had been made to the persons in question:

Well, he says: there is going to be a court hearing and I got a subpoena as well, because he put my signature on those letters, and he needs an authorization that it is really nothing wrong with it, he says, you know. And that's why I signed it. (E-8738)

103. Byer provided three applicants with letters offering them employment with a real estate holding and management company, a company owned by Byer's cousin, Sheldon Mintzberg. The letters were drafted and signed by Byer, who claimed to have his cousin's mandate for this purpose. Mintzberg testified that any mandate Byer had from him did not extend to the signing of such letters:

A. ...I would definitely have been prepared to hire a carpenter at a hundred dollars (\$100.00) a week or anybody who could work for me around the building I had for a hundred dollars a week. I do not recall specifically authorizing him to sign my name to my stationery but he did, so ...

Q. Did you ...

THE COMMISSIONER:

Q. Who gave him your stationery?

A. Mr. Byer had access to my office.

Q. So, what you are saying, Mr. Byer took it from your office?

A. It's possible.

Q. On which authorization?

A. Mr. Byer, apart from being my business partner in that Immigration Visa Services business is also my first cousin and would have free access to my office any time he wanted. (E-14099)

The real nature of this job offer emerged from the testimony of its recipient:

[MR. ROGER POTHIER,
Counsel for the Commission:]

Q. So, we conclude that there must have been an agreement reached between yourself and Mr. Byer whereby you would be provided with a job offer by Mr. Byer?

A. Yes, that's correct.

THE COMMISSIONER:

- Q. When was this discussed, was it at the Craig Street office or meeting?
- A. Yes, well, I think it was at the Craig Street meeting and also I was reminding him all the time: "What did you do about the job letter and what did you do?" And he was all the time saying: "Don't worry, don't worry, I will get it."
- Q. What exactly was the undertaking by Mr. Byer: what was he supposed to do as far as the job letter was concerned?
- A. He was supposed to give me a job letter.
-
- Q. And when you were talking about job offer, are we talking about a real job offer or is it a job offer that you would use for Immigration purposes?
- A. Well, I would say that it was for the purposes of getting Immigration, but I am not sure whether I could have worked there after getting that letter, that job offer letter.

(E-10430-31-32)

104. Another of Byer's clients investigated by the Commission filed with the Department a job letter originating from Byer's own law firm. This applicant worked for Byer for a "very, very short period of time" (according to Byer's own testimony). The immigrant himself testified in these terms:

[MR. ROGER POTHIER,
Counsel for the Commission:]

- Q. . . . You said that Mr. Byer had offered you a job because you had brought to him some people as clients. That's what you told us.
- A. (INT). Yes. On that basis, he hoped that I would bring a few more to him.

THE COMMISSIONER:

- Q. Did he offer you money to bring them in?
- A. No.
- Q. No mon-ey? [sic]
- A. No.
- Q. But he offered you a job?
- A. A job, yes.
- Q. Did you accept the job?
- A. I accepted, but he was not ready to keep me there.

(E-7652)

105. Byer, or Immigration Visa Services of Canada, also provided leases for some clients who were seeking businessman status and who thought that their chances of achieving that status would be improved if they could show the assessing officer a lease of business premises. Such

leases were found in five of Byer's files investigated by the Commission. These leases showed Marine Buildings, Sheldon Mintzberg's company, as the lessor, and had been signed "S. Mintzberg" by Byer. Byer claimed to have a mandate to issue these leases and sign Mintzberg's name, but Mintzberg denied this claim. In all five cases, the leased premises were never occupied by the lessees, no rent was paid, and the leases were cancelled without penalty.

106. Ten witnesses admitted before the Commission that they had shown the assessing officer bank letters showing balances in their accounts that represented money they had borrowed for the purpose of obtaining such a letter. In some cases the money involved appeared to be a so-called revolving fund—one fund used by several applicants for immigration purposes. In most cases the money in the account was withdrawn and repaid immediately after the applicant's assessment. One witness's testimony will serve as an example:

[MR. ROGER POTHIER,
Counsel for the Commission:]

- Q. . . . I am showing you a certificate you have given to the officer. It is from the Montreal City and District Savings Bank, and it shows that on November 6th, 1972, you had in the bank the amount of four hundred and fifty-eight dollars and ninety-two cents.
- A. (Int). Yes, this is the date of the interview.

THE COMMISSIONER:

- Q. Then, you said you came in with four hundred and fifty dollars.
- A. (Int). My friend had lent some money to me, at that time.
- Q. Who is the friend? Which name?
- A. (Int). [X.]
- Q. How much?
- A. He gave me three hundred dollars.
- Q. For what purpose?
- A. (Int). Just to show the amount in the bank, because I had an interview, and I had to show that I had some deposit in my bank.

MR. ROGER POTHIER,
Counsel for the Commission

- Q. So, you obtained this letter solely for the purpose of showing it to the officers. Isn't it true?
- A. (Int). That is correct. I got it only for that purpose.

(E-1397-8)

107. One can only censure those applicants to the Department who used such documents to support their case. As for the Department itself, it is surprising that they were so often taken in by such documents. It

is true that most officers in Canada lacked the expertise necessary to evaluate realistically documents originating abroad. There were not sufficient investigative facilities to check all these documents. But at least documents originating in Canada—offers of employment, leases and bank letters—could much more easily have been evaluated and verified. I appreciate that the Department had insufficient manpower to investigate thoroughly every document tendered to it. But surely such manpower should have been made available, and—at the very least—a more discriminating attitude could have been adopted when assessing documents of local origin.

F. WORK PERMITS AND SOCIAL INSURANCE CARDS

108. Until the regulations changed on November 6, 1972, it was possible for a non-immigrant to apply in Canada for landed immigrant status. It was also possible, until another regulation change on December 27, 1972, for a non-immigrant to work in Canada legally even though he did not have a work permit. However, by Regulation 34(3)(e), a non-immigrant applying for landed immigrant status in Canada might only be admitted to Canada for permanent residence if “he has not taken employment in Canada without the written approval of an officer of the Department.” Twenty-eight subjects of files under investigation admitted before the Commission that they had worked in Canada without permission, had nonetheless applied for permanent residence, and had at that time signed a written statement to the effect that they had not taken employment in Canada. The Department did not discover that they had worked and were therefore ineligible for landed immigrant status, and they were all landed.

109. The evidence suggested that one of the first actions of many “visitors” arriving in Canada was to apply for a social insurance card. A card was, and still is, issued to anyone, regardless of his status, and is necessary to obtain employment. Yet the policy of the government at the time was to discourage visitors from working. The ease with which visitors obtained social insurance cards issued by the Department, the first and essential step in getting employment, was at cross-purposes with the same Department’s attempt to discourage visitors from seeking employment without authorization. Since January 1, 1973 (when the December 27, 1972, changes came into effect), the regulations specifically prohibit the visitor from working without Departmental authorization, yet the social insurance cards are issued without any regard as

to whether authorization has been given. One would hope that two sections in the same Department would co-ordinate their activities so as to be in harmony.

G. THE DEPARTMENT'S FILES

110. The manner in which the Department's files are constituted makes it cumbersome and at times difficult to get required information. Documents were often not in a chronological or some other systematic order. Certain documents were duplicated extensively for no evident reason, while on the other hand copies of some essential documents, such as birth and school certificates, were not required to be filed.

III. THE FILES IN PARAGRAPH (a)

111. "Files in paragraph (a)" of the Order in Council refers to both first- and second-group files (paragraphs 50-51). I deal in detail with the first group in Part Four, describing the conduct of Department employees. I shall now proceed to report in detail on second-group files, including a few files other than paragraph (a) files.

A. THE BUSINESSMEN

112. The immigration law and policy of Canada favour those seeking entry to Canada as businessmen. Section 7(1)(h) of the *Immigration Act*, R.S.C. 1970, Ch. I-2, provides that "persons engaged in a legitimate profession, trade or occupation" may be allowed to enter and remain in Canada as non-immigrants "for the temporary exercise of their respective callings." The businessman is further favoured if he seeks permanent residence. The point system gives those who intend to establish a business the maximum number of points—twenty-five—for occupational skill and demand. As a result, if an immigrant obtains businessman status he is almost sure to be granted permanent residence in Canada.

113. Section 2 of Schedule A to the *Immigration Regulations, Part I, amended* (P.C. 1967-1616, SOR/67-434) provides:

2. An independent applicant who intends to establish a business . . . in Canada may be given a credit of twenty-five units . . . if
- (a) he has sufficient financial resources to establish himself in business . . . ; and
 - (b) the immigration or visa officer is satisfied that any business an applicant proposes to establish has a reasonable chance of being successful.

To obtain the much sought after twenty-five points, an applicant must show an intention to establish a business (and not necessarily any business experience); sufficient financial resources; and a reasonable chance of being successful. To demonstrate that they met these criteria, applicants seeking businessman status typically brought to the assessment interview such documents as bank letters (to establish that they had “sufficient funds”); leases of business premises; declarations of business or partnership; and business operation permits from the City of Montreal. I have already commented on the significance of some bank letters and leases of business premises (paragraphs 105-106). Business operation permits are obtainable from the City on demand without demonstrating the existence of a functioning business. As for declarations of business or partnership, such a declaration can be made by anyone and provides no evidence of a viable commercial enterprise. Declarations are required by article 1834 of the *Civil Code of the Province of Quebec*, which states that persons doing business either alone under a firm name or in partnership “must deliver to the Prothonotary of the Supreme Court in each district in which they carry on business, a declaration in writing in the form and subject to the rules provided in the statute entitled *Partnership Declaration Act*.” The purpose of such registration is to put on record the names, addresses, places of business, and so on, of those engaged in commercial activity, so that creditors and other interested persons may know with whom they are dealing. Needless to say, the Prothonotary does not verify facts contained in declarations of business or partnership delivered to him.

114. Thirty-one files were investigated when the Commission examined the “businessman” phenomenon. Twenty-nine files dealt with persons who requested the status of businessman, either at entry or at assessment. Twenty-two of the files were enumerated in paragraph (a) of the Order in Council; four were considered related files under the terms of paragraphs (a) and (e); five are to be found in paragraph (b). (For complete details of the “businessmen”, see Appendix 15.) These

thirty-one files represent about 6 per cent of the total number of files (509) investigated by the Commission. But statistics furnished by the Department show that in the years 1971, 1972 and 1973, the Department only processed ninety-three applications for businessman status. The files investigated by the Commission therefore represent approximately one-third of the files of this kind handled by the Department in Montreal.

115. Eight members of this group claimed businessman status at the port of entry; seven were admitted under s.7(1)(h) of the *Act*, and one was refused but entered then as a student. Twenty-five members of the group claimed to be businessmen when applying for permanent residence, including the six who were let in under s.7(1)(h). Later on, two more claimed, one successfully, the status at special inquiry; they had told the assessing officer that their occupations were tailor and labourer respectively, and had been refused for insufficient points. At assessment, all except six were accepted as businessmen. One of the six refused moved to Toronto, reapplied as a businessman, and was accepted as such there. Of the thirty-one, twenty-eight are now landed immigrants, five acquiring that status under Project 80. Of the three remaining, one was deported, one left voluntarily, and one cannot be found.

116. Of the twenty-nine who claimed, at one time or another, that they intended to establish a business in Canada, twenty-five had certainly not been businessmen in their country of origin. Four members of this group may have had previous business experience, although the evidence did not establish to my satisfaction that this was the case. Twenty-seven are now salaried employees. In only two cases was there even a suggestion that the person in question had established a business.

117. Members of this group typically registered a declaration of business at the Court House shortly before their assessment by the Department. Money was borrowed from a friend and deposited temporarily in a bank account, so that a bank letter could be produced showing assets sufficient to establish a business (I have already discussed the significance of business declarations and bank letters—see paragraphs 113 and 106). The declarations meant nothing, and the money was repaid after assessment. More often than not, the “businessman” had no business premises, no merchandise—and no customers.

118. To bolster their claims of being businessmen, many of these applicants temporarily entered into partnerships. As the Commission took evidence, a kaleidoscope of shifting alliances was revealed. Some-

one already accepted by the Department as a businessman would register a partnership with someone claiming that status but yet to be assessed. As soon as the new immigrant was assessed as a businessman and was landed, the partnership would be dissolved. Shortly afterwards the person who had just become a landed immigrant would enter into a new partnership with a third applicant seeking businessman status.

119. Most of the “businessmen” investigated by the Commission were from the same area of India. The trip to Canada and the process to be followed upon arrival were prearranged with future “partners”. Often the new immigrant paid an organizer for making the arrangements. In some cases, when an immigrant did not pay the organizer his full fee, the organizer denounced the immigrant to the Department.

1. The organizers and their clients

120. Two organizers were behind twenty-three of the applicants who sought permanent residence as businessmen. For a very large fee (in one case, for example, 30,000 rupees, approximately \$4,000), paid by the immigrant or his family partly in India and partly after his arrival in Canada, the organizer provided an air ticket, food and lodging for a time following the immigrant’s arrival in Canada, and, most important of all, the documents necessary to convince the immigration authorities that the immigrant was a businessman.

121. Consider one such immigrant. He entered Canada as a “visitor” on May 27, 1972, with eight dollars. On June 6—nine days later—he gave notice of intent to apply for permanent residence in Canada, and requested the status of businessman. This immigrant was thirty-nine years old at the time of entry; he was married with four children, but had left his family in India. He had not been a businessman in India, but had been employed as a librarian by the Indian government at a salary of 650 rupees (about eighty-five dollars) a month. It is evident that this man was neither a visitor nor a businessman. Nonetheless, he was allowed into Canada as a visitor, and was given landed immigrant status as a businessman. This immigrant knew an organizer. The standard “businessman” pattern was followed. A declaration of partnership—the partner being the organizer—was registered. After the immigration assessment the partnership was dissolved. The partnership never did any business. The immigrant is now a cook at a Montreal hotel.

122. Take another case, that of father and son. The father, forty-nine years old, had worked in England as a carpenter and cabinetmaker since 1952. His main ambition was to establish his son, living in India, in

Canada. To that end, he arranged to pay over his life savings, some \$40,000, to the organizer's agent in India. The organizer was supposed to arrange for father and son to enter Canada as businessmen, and was to repay the \$40,000 to the father once he arrived in Canada. Father and son entered Canada as visitors on August 11, 1972. On August 28, 1972, they applied for permanent residence, claiming the status of businessmen. They were assessed as businessmen and are now landed immigrants. The father told the Commission that of the \$40,000 paid he received only \$11,000 back, and was trying in vain to collect the balance. On August 30, 1972, the father and son filed a declaration of business showing them to be in partnership with the organizer. A declaration of cessation of business was filed on September 26, 1972. The father's interview and assessment took place on October 27, 1972, and at that time, notwithstanding the filing of a declaration of cessation of business, the original declaration of business and a partnership agreement were shown to the officer making the assessment. The father admitted before the Commission that the "business" never operated. An invoice to the partnership, dated September 26, 1972, from a wholesaler was shown to the immigration officer as proof of the business's operation, but the wholesaler's manager testified that this order was cancelled the very day it was given. The Commission heard evidence that the leased premises had been put up for sublet by the organizer as early as May, 1972, and that these premises were in fact sublet in October, 1972 (to another "businessman" who used them for immigration purposes). Both father and son were salaried employees when the Commission heard their evidence.

123. In another case, the applicant, a clerk in India, arranged with an organizer for his move to Canada, and entered as a visitor on July 14, 1972. On July 25, 1972, he deposited his notice of intent to apply for permanent residence, and the next day he registered a business declaration, typed on the organizer's typewriter, at the Court House. This immigrant readily admitted to the Commission that the only point of the business declaration was to help in getting landed status, and that he never operated a business. On assessment day, August 24, 1972, the business declaration and bank documents showing a large balance (money lent the applicant by friends) were shown to the assessing officer. The applicant also claimed at the interview to have been a manager of a business in India; this, he admitted to the Commission, was not true. He was assessed as a businessman. However, later the organizer in a letter signed with a fictitious name denounced this applicant to the Department, and he was interviewed again on July 5, 1973. He was

reassessed as a clerk, admitted under discretionary power, and obtained landed immigrant status on July 7, 1973.

124. Another “businessman”, to give yet a further example, entered Canada as a tourist on May 17, 1972. He had for some time been in touch with an organizer in Canada, and lived with him for his first eight months in Canada. It was this man who paid the organizer 30,000 rupees (approximately \$4,000), part before and part after his arrival in Canada. According to his own testimony, this money was supposed to buy for him a half-interest in a business to be opened by the organizer. Two days before the applicant’s assessment interview, the organizer sent the Department a letter stating that the applicant was to be his business partner. Nonetheless, the applicant failed at the interview and was ordered deported. Some twenty days later, on July 5, 1972, a partnership declaration was registered at the Court House. This declaration was produced at special inquiry. The deportation order was quashed at special inquiry, and the applicant was granted permanent residence in Canada under the terms of Project 80. He has been a landed immigrant since September 20, 1973, and is now employed as a machinist.

2. The individual businessmen

125. Some of those applying for permanent residence claiming the status of businessmen did so without the assistance of an organizer, although perhaps assisted by friends or relatives. Eleven files investigated by the Commission fitted into this category. Seven of the eleven were files listed in paragraph (a) of the Order in Council; four were related files. I will deal with one of these cases when I discuss persons represented by S. M. Byer (see paragraph 216).

126. The deception practised by the individual businessmen was the same as that practised by those who were assisted by an organizer. Declarations of business were filed at the Court House shortly before the assessment interview. The business address given in the declaration was in most cases the immigrant’s home address. The declaration was shown to the immigration officer at the time of the assessment; often, after the interview, a declaration of cessation of business was filed. These businesses either never operated at all, or did a little business while the immigrant awaited his assessment and, after the assessment, died a natural death.

127. Consider a few examples. One immigrant entered Canada on May 5, 1972, and “opened a business”. Another came to Canada on September 22, 1972, a partnership was then registered under both

names, and the second immigrant was assessed as a businessman. The partnership never operated. The first immigrant has now returned to India. The second is a salaried employee.

128. Another immigrant entered the country as a "visitor" on April 14, 1972. She originally applied in India for Canadian landed immigrant status claiming to be a businesswoman but was assessed as a sewing-machine operator and was refused. Her brother-in-law in Canada falsely represented to the Department that she held shares in his business to substantiate her initial request to be assessed as a businesswoman. In the meantime she was sponsored by another member of her family in Canada and was assessed as a sewing-machine operator. She is now a landed immigrant.

129. Yet another came to Canada on May 8, 1972, entering with the assistance of his uncle who was, and still is, a businessman in Canada. This immigrant pretended to go into business with his uncle, supposedly paying him \$7,000 for that purpose. According to the testimony of the uncle, the money was returned by the uncle to the immigrant's father, to whom it really belonged. Eventually, this immigrant was assessed as a sales manager, and is now a landed immigrant.

130. On December 2, 1970, a twenty-year-old tire-retreader, who had been earning ninety rupees (approximately twelve dollars) a month in India, entered Canada. He worked as a general helper and is now a machine operator. This young man, at the time of his entry into Canada, spoke neither French nor English. He had two brothers here. He filed a notice of intent on December 21, 1970, and an interview was set for February 9, 1971, for assessment. On his O.S.8 form, in reply to question 11 ("intended occupation in Canada"), one finds the words "start business with brother", and then "apprentice dishwasher", written but crossed out, with the final reply being "general work". In fact, this immigrant was assessed as a labourer and refused immigrant status. The immigration officer's notes on the interview read:

[TRANSLATION]

Wishes to live in Canada in order to work. He was invited by his brother, who arranged everything for him. He does not really know where he is and why he is here. Attitude more or less good. He seems very frightened and would have a great deal of difficulty establishing himself even with a lot of help. Seems to possess little ingenuity.

(Exhibit No. 158)

This immigrant went to special inquiry on September 22, 1971. On September 20, 1971, with the assistance of his lawyer, he filed a declaration of business which stated that he was joining as a partner someone

already carrying on a business. A formal partnership agreement which had been drawn up on September 10, indicated that the immigrant was to pay \$6,000 for a half-interest, \$3,000 cash, with the balance to be paid in instalments. The partnership agreement and declaration were shown to the Special Inquiry Officer. Two months later, the partnership was dissolved; the original owner of the business is again doing business by himself. At the special inquiry, the applicant was reassessed as a businessman and was granted permanent residence. He is now a landed immigrant. Where did this immigrant find \$3,000 to buy a half-interest in the business? Testimony before the Commission showed that the business's original owner gave the money to the immigrant's brother who then deposited it in the immigrant's bank account. The "partner-to-be" then made out a cheque for the sum payable back to the original owner, and handed it over to him when the agreement was signed. The immigrant then went to work for the business. He never participated in the business's profits or losses, and was paid \$120 salary a week, but even that money was first paid to the original owner by the immigrant's brother. Two months after the partnership agreement, the immigrant took a job as a general helper.

131. Another applicant entered Canada as a visitor on July 31, 1972. His last job before coming to Canada was a "mechanical warehouse man". At the time of the Commission's inquiry he was employed, in Canada, as a welder. Seven days after having arrived in Canada, he registered a declaration of business at the Court House. On September 12, 1972, this welder was assessed as a businessman. The witness admitted to the Commission that he had never operated a business in Canada.

132. Another file tells a similar story. The subject of this file came to Canada, from Aden, on October 23, 1972. On November 20, 1972, a partnership was registered which indicated that he was doing business with a long-time friend who had arrived in Canada in 1967 as a landed immigrant. On November 27, 1972, the witness filed a declaration showing that he was running another business alone. The witness was assessed as a businessman and given landed immigrant status. His "partner" was and is an office manager. The witness himself has never operated a business in Canada, by himself or with anyone, and at the time of the hearings was acting as a secretary.

133. Finally, another immigrant ultimately sought the status of businessman, although he had not carried on a business in his country of origin, never intended to carry on a business in Canada, and, of

course, did not do so. When he applied for permanent residence on November 8, 1972, he gave his intended occupation in Canada as welder. Letters of reference from India were produced that testified to his skill in this trade. The witness testified that he obtained these letters by writing to India after he had entered Canada as a "visitor". Bank documents and a letter offering the witness a job were also obtained for the benefit of the immigration officers. To obtain a letter indicating a bank balance, money was borrowed from a friend or relative, and was deposited in the bank. After the assessment, the money was withdrawn and returned to the friend or relative. The job letter was prepared by a garage owner who acted as a Department interpreter from time to time (and who prepared a similar letter for at least one other immigrant); the evidence showed that the witness never worked at the place in question, nor ever intended to do so. The witness was initially assessed as a welder and refused entry. His lawyer, present at the time of assessment, then made representations to the interviewing officer's supervisor to the effect that the applicant should be assessed as a businessman. The supervisor, relying only on such representations, advised the interviewing officer to assess the applicant as a businessman, although the applicant himself had never claimed an intention to do business in Canada. It should be pointed out that the interviewing officer had been in the Department's employ for only a month and had never dealt with "businessmen" before, while the supervisor at the time, who also had no "businessman" experience, was replacing the regular supervisor for three days. Nonetheless the supervisor had a PM-2 classification and had worked for the Department since 1965. The supervisor, and to a lesser extent the interviewing officer, demonstrated at the least naïveté. The assessment of this witness as a businessman is particularly ludicrous in light of his testimony before the Commission:

[MR. ROGER POTHIER,
Counsel for the Commission.]

Q. Did you, at any time, you, yourself, say that you could open a business or that you would open a business?

A: (Int). I didn't say this to anyone.

(E-1330-1)

.

Q. ... Well, were there any questions put to you about registered [sic] a business at the time?

A: (Int). Who was supposed to have asked me these questions?

Q. The officer.

A: (Int). No, I told him quite clearly that I couldn't do business.

(E-1332)

.

A: (Int). After I got [my] thirty-five points, my lawyer told me if I start a business that would be nice and I told him I couldn't do that because I did not have the money.

(E-1333)

3. The businessmen and the Department

134. Of the twenty-nine persons investigated by the Commission who claimed to be businessmen before the Department, twenty-seven are now salaried employees, and there is no evidence that they ever intended to be anything else. How is it that the businessmen *bona fides* of only eight were ever questioned by the Department?

a. The officers' lack of training regarding business and legal matters

135. To know whether or not someone is a businessman requires some knowledge of business. To know the significance of legal documents produced in support of a claim to be a businessman requires a rudimentary knowledge of some simple legal matters—one must know, for example, the difference between an incorporated company, a legally constituted partnership, and mere registration of a business name. The immigration officers heard by the Commission in almost every case had no knowledge or experience whatsoever in business or legal matters. They had been given no business or legal training at all by the Department. The Department did not even assign particular officers to the assessment of businessmen, thereby allowing these officers to develop useful experience; an assessment of businessman could be made by any officer who happened to be interviewing someone claiming that status.

136. The officers' ignorance on one particularly important matter appears to have been complete : apparently no one understood the difference between an incorporated company, a legally constituted partnership, and a registered business name, or realized the true (and very limited significance) of a document showing that a business name had been registered. One officer, when questioned about a dubious businessman evaluation he had made, referred to the importance he placed on the document showing that the businessman had registered a business name:

[TRANSLATION]

[MR. ROGER POTHIER,
Counsel for the Commission;]

Q. . . . Was it the fact that there was a legal form to support Mr. [X]'s claim that influenced you? Was that it, the documents. . .

A. Yes, it is that registration that I found no reason to question.

THE COMMISSIONER:

- Q. What is a registration for you?
A. To present me with documents bearing an original, bearing the seal of the Court.
Q. What does that mean?
A. That means that the document is accepted, recorded, registered.
Q. Do you know what it takes to obtain that stamp?
A. No, ma'am.
Q. Today, I'm going to tell you. It takes five dollars (\$5) and a name. That's all a registration is. Did you know that?
A. No, I didn't.
Q. Well, that's what we want to know. How is it possible that you didn't know that? When you saw that, you did not inquire: What is that registration all about?
A. I didn't know the requirements for a business registration.

(E-12068-9)

Several other officers testified similarly. The lack of knowledge of these officers—charged with determining for immigration purposes who was and who was not a businessman—can only be described as astonishing. They were quite unprepared to make such assessments.

137. The sorry state of affairs in Canada in this regard should be contrasted with the situation in the United Kingdom. In that country, under the various immigration rules, businessmen are given special and favourable treatment. The Home Office has recently established a special training program for those members of its staff who assess applications to set up in business. The syllabus of the course, given by the Department of Business Studies at the Carshalton College of Further Education, includes study of the types of business organizations (sole proprietor, partnership, limited partnership, private limited company and public limited company); the nature of documents governing the operations of business organizations (deed of partnership, memorandum of association, articles of association, and the legal obligation of companies to maintain certain records); taxable income defined with reference to business organizations; the legal responsibility of a company director; the use to an investigator of board meeting resolutions and minutes; the nature of various contracts; how to interpret a balance sheet; the nature of a trading account and a profit and loss account; the relationship between items in the balance sheet and the revenue accounts; and how to assess the overall viability of a given venture. The Home Office expects those officers who have participated in the course, when assessing an application to set up in business, to be able to define the type of organization the applicant is proposing to establish; assess

whether the applicant is proposing to be self-employed; assess the financial viability of the business; calculate the true assets of the business and the proportion subscribed by the applicant; calculate the true liabilities of the business and the share which will fall to the applicant; assess the true profits of the business; determine whether the applicant is a genuine businessman or in fact an employee whose role in the business amounts to disguised employment; decide on the reliability of audited accounts; and assess the extent to which the applicant will be involved in running the business and the need for his services and investment.

138. Sir Kenneth Wheare, in his 1973 Hamlyn Lectures entitled *Maladministration and its Remedies*, said:

Should not the emphasis be placed on prevention in advance rather than in providing institutions designed to come into action after a mistake has been made? Ought we not to seek the principles of good administration and embody them in the organisation and training of civil servants, rather than to identify cases of maladministration and their appropriate remedies? (p. 2)

b. Inadequate and poorly drafted regulations and directives

139. The entire blame should not, however, be placed at the door of the Department or at the feet of individual immigration officers. The Department is obliged to operate within the framework of the *Immigration Act* and regulations made under that *Act*. Individual officers are also subject to directives contained in the *Immigration Manual*. If the regulations are vague, confused, or simply incomprehensible, the Department is in difficulties. If the *Manual* is likewise imprecise and insufficient, what is an officer to do?

140. Section 2 of Schedule A to the *Immigration Regulations, Part I, amended* (P.C. 1967-1616), SOR/67-434) provides in part:

An independent applicant who intends to establish a business...in Canada may be given a credit of twenty-five units. . . if

- (a) he has sufficient financial resources to establish himself in business. . . ; and
- (b) the immigration or visa officer is satisfied that any business the applicant proposes to establish has a reasonable chance of being successful.

The regulations are silent as to the meaning of such key phrases as “sufficient financial resources”, “establish himself in business”, and “reasonable chance of being successful.” Furthermore, Section 2 of Schedule A refers to an “independent applicant who *intends* to establish a business.” Putting the matter into the realm of intention removes the

need for the applicant to demonstrate experience and competence in business. Anyone can have an intention to do anything that strikes his fancy. The additional vague criteria set out in paragraphs (a) and (b) of Section 2 go only a little way towards dispelling this problem.

141. The administrative directives found in the *Immigration Manual* do little if anything to remedy the deficiencies of the statute and regulations. Paragraph 4.23(1) of the *Manual* simply says that "independent applicants intending to come to Canada to establish a business or to retire will be given 25 units of assessment . . ." The only specific direction to officers regarding entrepreneurs other than those from India is to be found in 4.23(2)(b) which requires an officer to investigate any monetary controls which might apply to the transfer of funds. The *Manual* devotes a special section to entrepreneurs from India. Section 4.67, among other things, briefly alerts officers to monetary restrictions imposed by the Reserve Bank of India; requires confirmation that funds are available; and instructs officers as to the details required and the procedure to be followed when an applicant claims to represent a company in India.

142. Given this dearth of directives or guidelines, what was an immigration officer to do when suddenly called upon to assess whether someone intended to establish a business in Canada, whether he had sufficient funds to do so, and whether the business had a chance of being successful? Inevitably, in the last resort each officer applied what was, in some measure at least, a personal standard. Several officers testified to that effect. As one put it:

[TRANSLATION]

- A. If you put yourself in the shoes of those Indians, they arrive in Canada with one boot and one rubber, they're dying of hunger in their country; if he can make a little money here, in a business, so much the better. So they take chances.

[MR. ROGER POTHIER,
Counsel for the Commission.]

- Q. Yes, but when you, as an immigration officer, assess an immigrant, should you put yourself in the immigrant's shoes? Or should you decide according to the Act and the regulations?
- A. You know as well as I do, the regulations are flexible, eh, and as an immigration officer, you always give the chance to the runner, and I suppose that the fellow proved to me, either verbally or theoretically, as you have just said, that he was a businessman, and I assessed him as a businessman.

(E-13796)

The testimony of the immigration officers makes clear that, when it came to assessing businessmen, the guidelines and directives, such as they were, provided virtually no assistance to the assessing officer. The officer had to fall back on his experience and judgment. In some cases, regrettably, that proved to be quite inadequate.

143. The Department has not made clear anywhere in writing why it is that businessmen are given preferred treatment. And yet one could reasonably infer from the preferred treatment a certain philosophy embraced by the government and the Department. Presumably businessmen immigrants are expected to stimulate the Canadian economy by bringing capital into the country and by creating employment once they are established. One would expect immigration officers, assessing those claiming businessman status, to keep this obvious point in mind, and not grant favoured treatment to those who are without any capital and who are most unlikely to create any employment in Canada. In fact, if the immigration officers questioned by the Commission are any indication, officers gave little thought to the reasons for the favoured treatment given businessmen, and did not use an implied philosophy to assist them in their assessments. Nor, apparently, did the Department ever attempt to explain the thinking behind the provisions dealing with businessmen. What the Department did do during the period under examination, so it seems, was put pressure on officers to adopt a "positive attitude" towards all those seeking permanent residence in Canada, including those seeking businessman status. Several officers, testifying before the Commission, referred to this "positive attitude".

144. Again it is useful to contrast the situation in Canada with that in other countries. In the United States an alien seeking to live in the country and who wishes to work may do so (under normal circumstances) only if the Secretary of Labor issues a certification on his behalf. Such certification is issued only if the Secretary of Labor has determined (a) that there are not sufficient workers in the United States who are able, willing and available for the contemplated work, and (b) that the employment of the alien will not adversely affect the wages and working conditions of workers in the United States. However, the requirement for certification is dropped if a person establishes that he is seeking to reside in the United States for the purpose of engaging in a commercial or agricultural enterprise in which he has invested, or is actively in the process of investing, capital totalling at least \$10,000, and that he had had at least one year's experience or training qualifying him to engage in such enterprise. Someone seeking "investor" status

must complete a detailed form (Form I-526), and is required to submit extensive supporting documentation. Required documentation includes cancelled cheques, receipts, bank letters, or other documents proving that the applicant has invested or is actively in the process of investing capital totalling \$10,000 in an enterprise in the United States; a corporate charter, partnership agreement, license, bank letters, financial statements, contracts, or other evidence that the applicant has established or is actively in the process of establishing an enterprise in the United States; a deed, lease, or option to purchase or rent, showing that arrangements have been made for a place of business in the United States; and finally, evidence that the applicant is qualified to engage in the enterprise. This latter evidence may consist of letters from employers or trainers by whom the applicant was employed or trained in jobs which qualify him to engage in the enterprise, describing the title and duties of the job including tools and equipment used, the dates on which the applicant started and terminated the job, and the number of hours per week worked; letters from former business associates, contracts, invoices and other documents establishing that the applicant has engaged in a similar enterprise, the size and location of such enterprise and the period in which the applicant was so engaged; and certificates, degrees, professional or journeyman licenses or other documents indicating that the applicant has been found qualified to engage in an occupation or business related to the enterprise in which he has invested or is in the process of investing.

145. The United States's rules are far from perfect. One might well ask whether it is appropriate and reasonable to fix an arbitrary dollar figure as the prime qualification for investor status, and, if so, what is magic about the figure of \$10,000. One might likewise question how much reliance can, as a matter of course, be placed on the supporting documentation submitted. This Commission of Inquiry has discovered that in Canada documentation of this sort, even if genuine, is often not a reliable guide either in the abilities or the intentions of those seeking businessman status. Even a dollar requirement can be circumvented by the use of a "revolving fund"—the same \$10,000 used over and over again by "investors". But despite these difficulties, the United States's rules are in some important respects superior to those in Canada. There is nothing uncertain or ambiguous about the figure of \$10,000 or any other fixed sum or about the requirement of one year's experience or training qualifying the applicant to engage in the enterprise in which he is investing his money. An immigration officer can have no doubts

about what must be established before investor status may be granted. Supporting documents can be examined knowing exactly what it is that must be substantiated. It should be added that the requirement of one year's experience or training qualifying the applicant to engage in the enterprise in which he is investing removes all the difficulties associated with establishing mere intent.

146. In the United Kingdom, controls on and after entry for Commonwealth citizens and for European Economic Community and other non-Commonwealth nationals are to be found in the various rules laid down by the Home Secretary pursuant to the *Immigration Act 1971*. These rules give detailed instructions concerning those who might loosely be termed "businessmen". Paragraph 21 of the *Statement of Immigration Rules for Control after Entry: Commonwealth Citizens* (HC 80) reads as follows:

People admitted as visitors may apply for the consent of the Secretary of State to their establishing themselves here for the purpose of setting up in business, whether on their own account or as partners in a new or existing business. Any such application is to be considered on merits. Permission will depend on a number of factors, including evidence that the applicant will be devoting assets of his own to the business, proportional to his interest in it, that he will be able to bear his share of any liabilities the business may incur, and that his share of its profits will be sufficient to support him and any other dependants. The applicant's part in the business must not amount to disguised employment, and it must be clear that he will not have to supplement his business activities by employment for which a work permit is required. Where the applicant intends to join an existing business, audited accounts should be produced to establish its financial position, together with a written statement of the terms on which he is to enter into it; evidence should be sought that he will be actively concerned with its running and that there is a genuine need for his services and investment. Where the application is granted the applicant's stay may be extended for a period of up to 12 months, on a condition restricting his freedom to take employment. A person admitted as a businessman in the first instance may be granted an appropriate extension of stay if the conditions set out above are still satisfied at the end of the period for which he was admitted initially.

Exactly the same provision is to be found in paragraph 19 of the *Statement of Immigration Rules for Control after Entry: EEC and other Non-Commonwealth Nationals* (HC 82). Paragraphs 32 to 34 of the *Statement of Immigration Rules for Control on Entry: Commonwealth Citizens* (HC 79), dealing with those not yet in the United Kingdom, read:

32. Passengers who have obtained entry clearances for the purpose of establishing themselves in the United Kingdom in business, whether a new or

existing business, should be admitted for a period not exceeding 12 months with a condition restricting their freedom to take employment. Passengers who are unable to present such a clearance but nevertheless seem likely to be able to satisfy the requirements of one of the next 2 paragraphs should be admitted for a period of not more than 2 months, with a prohibition on employment, and advised to present their case to the Home Office.

33. For an applicant to obtain an entry clearance for this purpose he will need to show, if joining an established business, that he will be bringing money of his own to put into the business; that he will be able to bear his share of the liabilities; that his share of the profits will be sufficient to support him and his dependants; that he will be actively concerned in the running of the business; and that there is a genuine need for his services and investment. The audited accounts of the business for previous years will require to be produced, in order to establish the precise financial position. An entry clearance will not be issued where it appears that the proposed partnership or directorship amounts to disguised employment or where it seems likely that, to obtain a livelihood, the applicant will have to supplement his business activities by employment for which a work permit is required.

34. If the applicant wishes to establish a business in the United Kingdom on his own account, he will need to show that he will be bringing into the country sufficient funds to establish a business that can realistically be expected to support him and any dependants without recourse to employment for which a work permit is required.

147. These rules are significantly more precise than those applicable in Canada. Taken together with the special training in assessing businessmen given the United Kingdom immigration officers charged with that task (see paragraph 137), the consequence is far stricter regulation of the granting of favoured businessman status. To be admitted to, or allowed to stay in, the United Kingdom as a businessman, it seems, one must really *be* a businessman.

c. The lack of proper investigative facilities

148. Even if immigration officers assessing businessmen had had both proper training and comprehensive, precise guidelines, they would still have faced severe difficulties in reaching accurate assessments. That is because, during the period in question, the Department did not have adequate time or proper facilities for the investigation of documents proffered, or of claims made concerning financial resources, previous business experience, and so on. One officer, in his testimony before the Commission, evaluated the situation this way:

[TRANSLATION]

It was a farce, pure and simple.

It wasn't objective. I took a chance every time I gave a guy twenty-five (25) points. And I had no choice. That's how I had to work. I had no time to investigate more than that.

(E-12106-7)

149. At one point the Department in Montreal did attempt to initiate some limited investigation of some suspect files. In the autumn of 1972, a supervisor was assigned to review certain questionable files. As a result of this review, some files were set aside for investigation. Despite serious doubts that arose concerning these dossiers, in the end nothing was done. The Montreal District Administrator told the Commission that he personally authorized the processing of these doubtful files, largely in light of an adjustment of status program then in force (Project 97), partly because of the Department's lack of investigative facilities. Said the administrator:

[TRANSLATION]

So today we have an investigation section which certainly operates more efficiently than in nineteen seventy-two (1972).

But in nineteen seventy-two (1972) and nineteen seventy-three (1973), we didn't have the capacity to review all cases.

That's the complete and utter truth.

Furthermore, the Department was aware of the situation. They acknowledged it, because immediately after "Make My Country Your Country", we were given new classifications, we were reorganized in order to reestablish our investigation for the application of the Act, which had terribly suffered for three or four years.

(E-12922)

4. Conclusions

150. The immigration law of Canada favours those who seek entry or permanent residence as businessmen. The Commission investigated twenty-nine files where businessman status was claimed; almost all who sought this status were not, as it turned out, *bona fide* businessmen at all. Applicants pretending to be businessmen employed a variety of stratagems to convince the Department that they were indeed entrepreneurs. Phony businesses and partnerships were started up. Revolving funds were used to obtain bank letters attesting to financial resources. Leases were produced for business premises that were never occupied. "Organizers" orchestrated the efforts—for a fee—of many of these "businessmen".

151. The stratagems, for the most part, were successful. The Commission examined about 30 per cent of the businessman files for the

period 1971-1973. Of twenty-five persons who claimed to be businessmen at assessment, only six were refused at that stage. Of the twenty-nine persons who made this claim either at assessment or at the port of entry, twenty-eight are now, one way or another, landed immigrants. Twenty-seven are salaried employees (see paragraphs 114-116).

152. Two points must be made. First, there was no wrongdoing in the assessment of businessman files. Second, the businessman assessments in 1972 represent approximately one-half of one per cent of the total number of assessments in that year made by the Montreal office of the Department.

153. Why was the Department's record so weak with respect to the assessment of businessmen? I have suggested that little else could be expected, since immigration officers had no training in business or legal matters; were working with inadequate and poorly drafted regulations and directives; and did not have adequate investigative facilities.

B. THE RENFREW GROUP

154. There were fourteen members of what I have called the "Renfrew group" (for details of this group see the chart in Appendix 16). Two were the subjects of files mentioned in the Order in Council. The other twelve were considered to be a related matter, according to paragraphs (a) and (e) of the Order in Council. No files could be located for five of these twelve, probably because they entered Canada under s.7(1)(h) of the *Immigration Act* (which permits entry as non-immigrants to "persons engaged in a legitimate profession, trade or occupation entering Canada . . . for the temporary exercise of their respective callings"). All fourteen members of the Renfrew group entered Canada on non-immigrant visas to be employed by a company called Gomes Yarns Limited of Renfrew, Ontario.

155. Twelve members of the Renfrew group gave evidence before the Commission. Two had returned to India by the time hearings were held. The Commission took evidence concerning the Renfrew group from seven additional witnesses—the president of Gomes Yarns Limited, Agnelo Filomeno Gomes; a secretary employed by the company; the company's accountant; a former employee; W. F. Frieday, former Executive Director of the County of Renfrew Economic Development Branch; J. E. Downey of the Ontario Region Manpower Division of the Department; and G. M. Mitchell, former Acting Director of Operations, Immigration Foreign Service.

156. Gomes Yarns Limited, a company ostensibly engaged in manufacturing metallic yarn, was incorporated under a federal charter on March 23, 1972, with its head office in Renfrew, Ontario. Its founder and president, Agnelo Filomeno Gomes, was thirty years old at the time of the hearings. Originally from Goa, he came to Canada in 1967 as a landed immigrant. In February, 1972, Gomes applied to the Ontario Development Corporation for a loan. He was assisted in this application by the County of Renfrew Economic Development Branch, whose director at that time was W. F. Frieday. A loan for \$175,000 was approved on February 14, 1973, and fully disbursed on September 11, 1973. In September, 1971, Frieday had visited India, where he was the guest of the Gomes family. It was clear from his testimony that Frieday did not consider the operation he inspected in India a suitable one for Canada. But Frieday helped not only with the Ontario Development Corporation loan, but also was instrumental in a loan of \$50,000 given Gomes by the Renfrew Industrial Commission on April 28, 1972. Furthermore, three members of the Renfrew Industrial Commission, including Frieday, personally backed a \$25,000 bank loan for Gomes. This loan was repaid when the ODC loan was disbursed. And it was Frieday who wrote to the Department's Ontario Region Manpower Division urging that workers from India be admitted to work in the Gomes plant. Although one might question Frieday's excessive zeal in this matter, there is no evidence of impropriety.

157. Gomes also applied to the Department of Regional Economic Expansion for a loan. An agreement was signed on November 1, 1972, for a DREE loan of \$98,765. This sum was calculated on the basis of \$1,000 for each job created—estimated to be fifty—plus 15 per cent of the approved capital of the eligible assets of \$325,000. The money was never paid, since the Gomes plant never achieved commercial production.

158. In 1972 the company purchased a building in Renfrew (for \$60,000), and claimed to have begun operations. Machinery for the production of metallic yarn had been acquired in 1971 in India from a company owned by the Jariwala family. Jaswantlal Jariwala and his son Anup Jariwala were friends of Gomes. According to Gomes' testimony, Jaswantlal Jariwala was to come to Canada to train the employees of Gomes Yarns in the use of the machinery, but he never did. Anup Jariwala did come to Canada, and became a landed immigrant. The Commission attempted to find him, but he could not be traced.

159. In May, 1974, Gomes Yarns Limited's factory was still not operational. When the Commission began hearing the evidence of mem-

bers of the Renfrew group (in November, 1974), Gomes Yarns employed only three of the workers brought from India, one secretary, and one "salesman". Despite Gomes's claims before the Commission, I am satisfied that production at this plant had never begun. In February, 1975, the three remaining workers were deported to India: having arrived in Canada after November 30, 1972, they were not, unlike the other workers, eligible to remain permanently in Canada. In the same month, Gomes Yarns Limited went into receivership, and D. F. McKechnie was appointed trustee. The plant closed, and is now rented as a warehouse. The Commission was informed by counsel for Gomes that Gomes has left Canada for an indefinite period.

160. Gomes made frequent trips to India. In 1971, for example, he visited the subcontinent in January, August and November. While there in January, 1971, Gomes, assisted by the Jariwala family, recruited workers for his proposed factory (at that time planned for Arnprior, Ontario). He made representations on behalf of these workers to Canadian immigration officials in New Delhi, and non-immigrant one-year visas were eventually issued to fourteen applicants. Six workers arrived in Canada on March 16, 1972; two on August 7, 1972; one on February 19, 1973; three on October 21, 1973; one on February 18, 1974; and the last on February 22, 1974.

161. The first six—arriving on March 16, 1972—were met at Dorval Airport by Gomes and Anup Jariwala. They were driven to a motel in Pembroke, Ontario, where they stayed for fifteen days at Gomes's expense. Then an apartment was rented for them in Renfrew; they stayed there for some six months. Finally, they were moved to an "apartment" on the second floor of the building in Renfrew owned by Gomes Yarns Limited. When they first arrived in Renfrew, these six had been put to work repairing this very building. The evidence suggested that they were employed at hard labour, working eight hours a day six days a week, for some four months, at a wage of about fifty dollars a week (see paragraphs 173-174). Two of the six came to Montreal at the beginning of September, 1972, and there gave notice of intent to apply for permanent residence in Canada. They were assessed in November, 1972, and were both granted landed immigrant status, one under discretionary power and the other under Project 80. In October, 1972, the other four went to Ottawa and, in their turn, applied for permanent residence. They were all granted landed immigrant status, three under discretionary power. All six are now working, none in the occupations for which work permits were issued.

162. The two workers who arrived at Dorval on August 7, 1972, were not met and made their own way to Renfrew, where one had a relative, employed by Gomes Yarns Limited, with whom they stayed. Although each worker had entered Canada on a non-immigrant visa to work for Gomes, neither was ever employed by his company. One came to Montreal three weeks after his arrival in Canada where he worked without a valid work permit. He later applied for permanent residence under Project 80, and was given landed immigrant status on October 30, 1973. The other left Renfrew after a few days and went to Toronto. There he applied for permanent residence in Canada, and was rejected. At special inquiry, the decision was sustained. The Immigration Appeal Board dismissed his appeal, but directed landing under the Project 80 extension, and he became a landed immigrant on August 15, 1974. Why did these two immigrants not work for Gomes?

163. On February 19, 1973, accompanied by his uncle, Gomes's nephew arrived in Canada as a visitor. Shortly afterwards he was issued a one-year work permit (later renewed several times), secured with his uncle's help, to work for Gomes Yarns Limited. In his testimony, the nephew first claimed to have worked as a textile technician for Gomes Yarns from March to December, 1973. Later on in his testimony he admitted that he was "laid off" for four or five months in 1973. The nephew moved to Montreal some time in 1974, and in September, 1974, he registered as a student at Dawson College. On December 8, 1974, he married a landed immigrant who immediately sponsored her new husband's application for landed immigrant status, an application still being processed at the time of the Commission hearings.

164. Three more workers arrived from India in October, 1973, accompanied by Gomes. All came with one-year non-immigrant visas and permits to work for Gomes Yarns Limited. These three worked in Renfrew until May, 1974, when, like almost everyone else employed by Gomes, they were "laid off". They resumed work at Gomes Yarns Limited sometime in September, 1974. Their original visa expired on September 30, 1974, but was renewed temporarily to permit them to remain in Canada to give evidence before the Commission; that evidence was given on November 27, 1974, at which time they were still employed. None applied for permanent residence in Canada, since the regulations in force since November 6, 1972, made it impossible for them to do so. One returned to India, and the two others were deported in February, 1975.

165. Yet another worker arrived on February 18, 1974. This worker had returned to India by the time of the Commission's hearings, but his file contains a transcript of testimony given under oath before a Special Inquiry Officer. He claimed on entry to Canada that he was carrying machinery for Gomes. Gomes was waiting at Dorval for someone else who had been replaced by the new arrival. The following day, the most recent recruit was released by immigration authorities at Dorval, and was instructed to report to the Canadian Immigration Centre in Toronto to clarify his status. Gomes then drove him to Renfrew. When interrogated by an immigration officer in Ottawa on July 22, 1974, the newest "worker" said that his trip was arranged by Gomes and the Jariwalas for whom he worked in India, that he had never worked for Gomes in Canada, and that he had been staying with a friend in Montreal. He was deported to India on October 15, 1974.

166. The last member of the Renfrew group arrived on February 22, 1974. Gomes, whom he had met in India in October, 1973, had helped him get a work permit. He worked at Gomes Yarns Limited from his arrival in Canada until the end of April, 1974, when he was laid off. He began work again in the middle of September that year, and his work permit was renewed temporarily on November 25. When he testified before the Commission, he was still employed by Gomes Yarns. He was deported in February, 1975.

1. Recruitment of workers

167. Eight of the Renfrew group gave much the same story about their recruitment in India. These eight were the six who arrived in Canada on March 16, 1972, and the two who arrived on August 7, 1972. They are all now landed immigrants, and all co-operated fully with the Commission. All are now fully employed and well established in Canada; some have sponsored a move to Canada by their families. These men all described how, in their region of India (Gujarat), in January, 1971, it became known that Gomes and Anup Jariwala were recruiting workers for Canada. Anyone asking for details was told that for 25,000 rupees (about \$3,300) he could go to Canada for good. For this amount, he would get a non-immigrant visa permitting employment at Gomes's proposed factory in Arnprior, Ontario (for a guaranteed salary of \$400 a month), an air ticket to Canada, and food and lodging upon arrival in Canada.

168. These eight accepted the Gomes-Jariwala offer. Gomes and Jariwala helped them obtain non-immigrant visas and work permits

from the Canadian Immigration Department in New Delhi. The eight came to Canada with the results that I have already described. What of the 25,000 rupees? Each paid something "on account" in India. Four paid 10,000 rupees (approximately \$1,330). One paid 10,000 rupees and an additional 4,500 rupees (approximately \$600) for his air ticket. Two paid 5,000 rupees (approximately \$665). The last paid almost the full sum demanded, handing over something between 20,000 and 25,000 rupees (approximately \$2,660 to \$3,300). These very large sums of money—enormous in Indian eyes—were raised by the workers or their families, and paid by the workers or their families to either or both Gomes and Jariwala.

169. But, of course, more money remained to be paid. Only one of the eight had paid anything like the full sum demanded by Gomes and Jariwala. Of the seven who, after they left India, found themselves "in debt" to Gomes and Jariwala, four paid further sums in Canada. Two handed over \$1,000 bank drafts, brought by them to Canada, to Gomes and Jariwala. Another handed over a bank draft for the same amount to Jariwala alone. The fourth, upon arrival in Canada, paid 300 pounds sterling to Jariwala and 250 pounds to Gomes (for a total of about \$1,200).

170. Five of the other six members of the group testified that they had not paid any money to either Gomes or Anup Jariwala before leaving India. I take into account, however, that at the time the five testified, they were not landed immigrants (merely holding extensions of their non-immigrant visas), could not apply for that status in Canada (having arrived in Canada after the November 6, 1972, change in regulations—see paragraph 207) and were still employed by Gomes (with the exception of the nephew). There seems to be no reason why the terms under which Gomes and Jariwala brought these six to Canada should differ from the terms to which the other eight were subjected (with the possible exception of the nephew, whom Gomes may have "helped" for familial reasons, and the worker who arrived on February 18, 1974, who seems to have been unexpected). My impression was that these witnesses were not frank with the Commission. I believe that they, like the others, paid money before leaving India, but did not wish to reveal that fact because they were still employed by Gomes and were subject to his power and authority, and because they wanted desperately to remain in Canada but were under constant threat of deportation. There is evidence that Gomes issued threats:

[THE COMMISSIONER:]

- Q. But you say . . . What was he telling you in terms of threats that you were afraid?
- A. (INT). He used to threaten me; "If you don't do what I say, I will send you back to India so don't talk too much."

(E-6818-9)

2. Training in India

171. For the most part, those recruited for the Renfrew group had, at the time of their recruitment, no experience at all in the textile industry. One was a student, another a teacher, yet another a shopkeeper. One worked in a steel mill; one delivered newspapers. One was a farmer, another a bus driver, a third a diamond polisher. Several in addition to these other occupations tended small pieces of farmland. As part of the agreement with Gomes and Jariwala, these recruits were supposed to be trained in India in the use of specialized (zari) machines. When it came to this training, each was treated differently. Five testified that they were not paid for a training period that varied in each case. One was trained for six months and was paid first 150 rupees (approximately \$20) a month, and then 250 rupees (approximately \$33) a month. It is evident that the recruits were not obtained on the basis of zari machine experience; were not systematically and properly trained in the use of these machines before they came to Canada; and that what training was given was intended to provide only a façade of knowledge, sufficient perhaps to satisfy the questions of a curious immigration officer.

3. Their real intention in coming to Canada

172. All the members of the Renfrew group heard by the Commission testified first, that their real purpose in coming to Canada was to seek permanent residence, and second, that either or both Gomes and Jariwala promised them they would obtain such residence. For example:

- A. (INT). . . . I was promised that I would be staying here permanently and that was the talk, right from the beginning, as I understand.

MR. ROGER POTHIER,
Counsel for the Commission:

- Q. That was the essential part of the deal, wasn't it?
- A. (INT). That's correct, that was the essential.

(E-6651)

And again:

[MR. ROGER POTHIER,
Counsel for the Commission:]

Q. What did Mr. Gomes tell you about this plan you had to come to Canada and settle down permanently and then send for your family later on?

A. (INT). Well, nothing much. He said that I would have a bright future in Canada and I will be able to stay here.

Q. That was your main purpose in coming to Canada.

A. (INT). Yes.

(E-11816-7)

A Canadian who had been employed by Gomes Yarns Limited as the "plant manager" testified as to what the Indian workers told him:

[THE COMMISSIONER:]

Q. Did they tell you in any way why they came to Canada?

A. Yes, they were going to live here. They had come here to work, and eventually would bring their families over.

MR. ROGER POTHIER:

Q. Become immigrants?

A. Yes.

THE COMMISSIONER:

Q. They told you that?

A. Yes.

Q. That their main purpose to come to Canada was to get permanent residence?

A. That's right, they wanted to live in Canada.

(E-13128-9)

4. Wages in Canada

173. Part of the agreement between the workers and Gomes/Jariwala, entered into before the workers left India, was that Gomes would pay each \$400 a month for working in his factory. Gomes himself admitted that this had been part of the arrangement. Yet the workers' testimony established that they were paid not the promised \$400 but rather \$200 a month when they were working, and considerably less (about \$75 a month) when Gomes could find nothing for them to do. Before the Commission, Gomes insisted that he had paid the promised sum. It is true that the workers' Income Tax T-4 slips indicated salaries of \$400 a month. But these slips do not appear to have represented the truth. When they first arrived, Gomes gave each worker a monthly cheque for the proper sum. But he insisted that these cheques be endorsed over to him, and in exchange for them he gave only \$200 cash. One worker, for example, testified:

[MR. ROGER POTHIER,
Counsel for the Commission:]

- Q. You are saying now that even if he was paying you two hundred dollars (\$200.00) a month, he reported to the government that he gave you four hundred dollars (\$400.00) a month, and he deducted accordingly. Is that what you are saying?
- A. Yes, he gave us two hundred dollars (\$200.00) cash per month, and he reported the tax. Well, we don't know how much tax he was reporting, at the end of the year, the T-4 slip, we find that according to four hundred dollars (\$400.00).
- Q. The T-4 would say that he had given you four hundred dollars (\$400.00) a month?
- A. Four hundred dollars (\$400.00), yes.
- Q. But, in fact, he was only giving you two hundred dollars (\$200.00)?
- A. That's right

(E-6815-6)

Later, Gomes gave up the charade of paying each worker by cheque, and paid with cash. But he continued to pay only \$200 a month, although the books of Gomes Yarns Limited indicated a sum twice that. The "manager" of the plant testified:

- A. They came to me, and they said that their wages were only like two hundred dollars (\$200.00) a month, and I said: "No, it is four hundred dollars (\$400.00)."

MR. ROGER POTHIER,
Counsel for the Commission:

- Q. And you said that on the basis of what you saw in the books?
- A. That's right, that was what was going through the books.

(E-13134-5)

Gomes's practice changed once more, this time in September, 1974, when he was summoned to give evidence before the Commission. From the testimony of Gomes's secretary, it appears that from September 15, 1974, the full salary of \$400 a month was paid, and that the secretary was asked to witness that payment.

174. What explanation did Gomes give his workers for not paying them what had been promised? One worker testified that Gomes said that the rest of the money was being sent to the workers' parents and relatives in India. Needless to say nothing was sent. The plant manager was told by Gomes that money was being deducted to pay for the air fares from India. Why didn't the workers complain more vigorously about their treatment? One testified:

Every people know all the things that he was cheating us and doing everything. But he tell us that if we want to go back to India like that, so, we don't want to go, we want to stay here.

(E-6818)

5. Living conditions in Canada

175. Six workers—the ones who arrived in Canada on March 16, 1972—were housed for some six months or so in an apartment in Renfrew. Before the Commission, Gomes claimed to have paid the rent for that apartment, and produced a receipt from the landlord showing that he had indeed paid \$1,000 (Exhibit 499). But the Commission obtained a letter indicating that Gomes in turn attempted to collect the rent from the workers (Exhibit 340). Furthermore, some of the workers testified that they paid for their own lodging, and Gomes's manager corroborated this testimony. Gomes appears to have advanced the money to the landlord on behalf of the workers, but he then set about collecting from the workers what he had paid on their behalf.

176. Once Gomes had bought and modified the "factory" in Renfrew, his Indian employees went to live on the factory's second floor. The so-called apartment on the second floor was just one large room. It had no furniture. It was without a telephone. The manager testified:

[MR. ROGER POTHIER,
Counsel for the Commission:]

Q. What would you say as far as health is concerned?

A. I would say you wouldn't live there.

(E-13147)

6. The role of the Department

177. When the Renfrew workers, assisted by Gomes, applied for visas at the Canadian immigration offices in New Delhi, it was the view of the interviewing officers that the applications not be approved. The officers noted that the applicants were unskilled, knew little or no English, had not signed contracts for employment in Canada, knew no details of the conditions of employment in Canada, and had no idea that once in Canada they were supposed to train Canadians in zari machine use. In particular, the officers concluded that the applicants' real intention was to acquire permanent residence in Canada. This analysis was sent by telex in early November, 1971, to the Immigration Foreign Service in Ottawa. On November 10, Mr. G. M. Mitchell, Acting Director of Operations, Immigration Foreign Service, issued instructions that further action on the applications be delayed pending investigation.

At this point, W. F. Frieday, Executive Director of the County of Renfrew's Department of Economic Development (an autonomous body not connected with the federal government), wrote (on January 12, 1972) to Mr. J. E. Downey of the Ontario Region Manpower Division of the Department, disputing the view taken by New Delhi of the applications, and urging that work permits be issued. This letter began, "We have established the following to be facts and not as misconstrued, and not as in the cable from the Immigration in Ottawa and New Delhi." In fact, the New Delhi officers were right and Frieday was wrong. Frieday gave evidence before the Commission, and it became apparent that the "facts" set forth in his letter to Downey were based solely on what he was told by Gomes. Said Frieday at one point:

There would be no way, your Honour, that I could write a letter like this unless it was given to me firsthand by Mr. Gomes

(E-15464)

This exchange took place later in Frieday's evidence:

[THE COMMISSIONER:]

Q. . . . As a public official in a way, didn't you think that it would be reasonable that you would add to this letter: "All this information, I get from Mr. Gomes, but I have no personal knowledge and I have made no checks".

Wouldn't it have sounded to you more regular?

A. Yes, right. In hindsight, of course, I agree that it should have been that the information in this letter is based on information received from Mr. Gomes, and Mr. Gomes only.

Q. But you are putting yourself in a position of saying things that you really don't know of personally; and the position that the person who receives your letter could think that you have made the proper checks?

A. Right.

Q. Don't you?

A. I agree. I agree it could have been that it could have been misunderstood that I had personal knowledge of this, or had documentation of this; but it was based on information given to me by Mr. Gomes.

(E-15484-5)

Frieday testified that he had seen the Delhi telex to the Department, and that it was shown to him by Gomes. How did Gomes ever come to possess such a document? This question is left unanswered. What is certain is that it was that telegram that prompted Frieday to make his representations, stressing "facts" fed him by Gomes.

178. Following the Frieday letter to Downey, Mitchell, on January 24, 1972, telexed New Delhi recommending that the workers be given

one-year non-immigrant visas. Part of the telex said that the "matter has been investigated and we are satisfied that these men are urgently needed" New Delhi proceeded upon this recommendation, immediately issuing visas under s. 7(1)(h) to ten workers, and arranging for the medical treatment of six other applicants with medical problems, with a view to issuing visas to them subsequently. Mitchell testified that what satisfied him with respect to these workers were the assurances given him by Manpower. He testified that his role in the affair was solely to transmit Manpower's assessment overseas:

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

- Q. What is the division of authority between yourself, at that time the head of the Operations, and the Manpower branch?
- A. Just liaison. Manpower carried out investigation in the field and my responsibility was solely to transmit instructions to our offices overseas.

(E-16220)

Mitchell did concede that in theory he could refuse to transmit Manpower recommendations to New Delhi. However, in practice he and his department relied entirely on Manpower assessments in situations of this sort, if only because they had no independent investigative capacity. Mitchell testified that he had never seen Frieday's letter to Downey. One supposes that the Frieday letter was the basis of the Manpower recommendations relied on by Mitchell.

179. It should be noted that the "overruling" by Mitchell of the New Delhi assessment was not based on a different view in Ottawa of the factors considered in Delhi, or more knowledge in Canada of the matters that worried the officers in India. What bothered Delhi was the workers' ignorance of English, lack of skill, and dubious motives for entering Canada. Presumably it was these matters that were to be further investigated (as indicated by Mitchell in his November 10, 1971, telex to Delhi). And yet the decision to admit was not the consequence of such an investigation, but of a desire to stimulate employment in the Renfrew area. Mitchell's January 24, 1972, telex said, "Can understand your reticence but in view of employment possibilities in an area already suffering from underemployment it is being recommended that subject to meeting requirements these people be allowed to proceed as non-immigrants. . . ." As Commission Counsel Nuss put the matter in his questioning of Mitchell:

. . . What Manpower appears to have said is that in Arnprior you had an area in which there was unemployment and the proposed plan had indicated . . .

jobs would be created. The people in New Delhi, however, were assessing another matter, and that is the competence of twelve people who appeared before them to do what it was contended they would do and their bona fides. It would appear at first sight that they were considering two different things and that the Manpower evaluation had nothing to do with the evaluation in New Delhi.

(E-16220)

On the issue of unemployment, it is interesting to note that the original telex from New Delhi to Ottawa said: "We would like assurance that these people are not being victimized and be sure that cheap labour is not/not being imported which would be rather embarrassing to the Dept with the present rate of unemployment."

7. Conclusions

180. When it comes to the conduct of individuals, the terms of my mandate allow me to report only on Departmental employees (see paragraph 5). Consequently, in my discussion of the Renfrew group, I refrain from drawing any conclusions about the conduct of individuals other than those working for the Department of Manpower and Immigration. My other concern is, of course, the state and management of the Department's business. In this connection, the evidence points to several shortcomings in the Department's handling of the Renfrew group affair. Officers in New Delhi quite rightly were suspicious of the workers' applications, and yet officials in Ottawa, for no good reason, rejected the New Delhi recommendation. The claimed skills of these workers—the skills they were supposed to impart to Canadians—were never tested or verified. Gomes was never required to make a detailed submission to the Department, and the Gomes factory and business were never investigated. No one discovered that at the time the applications for work permits were made in New Delhi, Gomes had neither established a factory nor incorporated a company. No one looked into the details of the "contract" between Gomes Yarns Limited and the workers it proposed to employ in Renfrew. No one verified the working and living conditions offered, or whether the employees were being paid the salaries they had been promised.

181. The Department must take some blame for the Renfrew group incident. Communications between Immigration and Manpower broke down. Immigration relied on Manpower, yet Manpower had quite different concerns from Immigration. Manpower was interested only in verifying the employment situation in Renfrew, and they did so relying on the County Industrial Commission which was only concerned with

bringing employment to the region. Immigration, on the other hand, never explained the Delhi assessment of the workers to Manpower, and Manpower never understood the type of investigation that was required.

182. The decision to admit the Renfrew group workers was a poor one. The chain of authority for reaching such a decision seems imprecise, to say the least. How is it that a proper investigation conducted overseas can be overruled in Canada without investigation and without good reasons? How can Manpower conduct an investigation in Canada if it is never told what is required? The carelessness of the Department in this matter is well illustrated by the case of Gomes's nephew (see paragraph 163). How did he obtain repeated renewal of his work permit when he was not working? Why was no investigation conducted when application for a renewal was made?

183. It is not my task to evaluate the merits of the policy allowing aliens to enter the country for short periods under temporary work visas. Whatever the merits or flaws of such a system may be, I am faced with the fact that it exists. This being so, it is, in my view, incumbent on the government to take the measures necessary to protect the rights of those it allows to enter Canada to work for a brief period of time. There may be constitutional aspects to such measures, arising from the division of powers between the federal and provincial authorities. However, I am confident they could be implemented with the co-operation of both levels of government.

C. THE UNRELATED FILES

184. The "unrelated files" are twenty-two files listed in paragraph (a) of the Order in Council that do not fit into any of the particular patterns of activity which I have described in this report (for complete details of the unrelated files, see the chart in Appendix 17). The Commission took testimony from twenty-one of the twenty-two subjects of these files. The one unheard subject could not be traced, despite intensive investigation. I will now briefly describe the general situation of this group of witnesses.

185. All subjects of unrelated files entered Canada as visitors. Two arrived in the autumn of 1970. The rest entered between June 3, 1972, and October 30, 1972. Although most of these "visitors", when before the Commission, denied that their intention in coming to Canada was to seek permanent residence, the evidence indicated otherwise. All of them were earning very little in their country of origin. None had ever left that

country before coming to Canada. Money to pay for the trip was borrowed from family or friends. All applied for permanent residence quite shortly after entry to Canada, and all but one, at the time of assessment, acquired the necessary points for acceptance.

186. In applying for landed immigrant status, these witnesses followed much the same pattern as I have already described. Predated documents were shown the assessing officer (see paragraph 97). Job letters that were only "letters of convenience" were produced (paragraph 99). Bank documents that did not truly reflect the applicant's financial position were used (paragraph 106).

187. All twenty-one of these witnesses are now landed immigrants. All of them now hold steady jobs (mostly in Montreal), earning from \$6,000 to \$12,000 a year. At least seven have now sponsored the immigration of relatives to Canada.

188. With respect to the Department's processing of these files, questions I have already asked must be asked again. Why were these persons admitted as visitors at the port of entry? Why were the assessments, at the time of application for landed immigrant status, so high? Why were false and inaccurate documents not detected? Although in general this sorry state of affairs cannot be attributed to wrongdoing, at the very least it suggests carelessness on the part of some individual officers and inadequate supervision.

IV. THE FILES IN PARAGRAPH (b)

189. By paragraph (b) of the Order in Council, I was empowered "to investigate and report upon the state and management of that part of the business of the Department . . . pertaining to . . . (b) persons represented by S. M. Byer, an Advocate practising his profession in the City of Montreal, who had dealings with the Department or any person in the service of the Department. . . ." The Commission examined 370 of Byer's files. Of those, 268 were initially retained as relevant (the third group—paragraph 52). A further 60 were discarded as irrelevant after prehearing interviews. Detailed information on the Byer files appears in the

general chart found in Appendix 10-C. Of the 268 persons in question, all but 12 entered Canada as visitors. Subsequently 217 obtained landed immigrant status, 181 under either Project 80 or Project 97. Of this group, 84 came from the Caribbean, and 162 from India. The Commission heard 157 of the subjects of those files; the others could not be found by the R.C.M.P. I discuss the difficulty encountered in identifying paragraph (b) files in paragraph 354.

190. The overwhelming majority of the Byer files investigated by the Commission were the files of persons who engaged him through a firm known as Immigration Visa Services of Canada. The Commission therefore looked into the affairs of this firm, pursuant to its paragraph (b) mandate, and according to the terms of paragraph (e) which required me to investigate and report on “any matters incidental or relating to any of the matters referred to in paragraphs (a) to (d).”

191. During the course of Commission hearings, Byer twice raised legal objections to answering questions put to him by Commission counsel. On one occasion, he invoked lawyer-client privilege in refusing to answer questions concerning the files. On another occasion, he objected to testifying on a matter he alleged was related to criminal proceedings in which he was involved. Each time I rejected the objection. My reasons are reproduced in Appendices 18 and 19, and I refer to both incidents at greater length in paragraphs 343 and 345.

A. IMMIGRATION VISA SERVICES OF CANADA

192. The firm known during most of its existence as Immigration Visa Services of Canada operated for approximately two months, starting on or about October 24, 1972. A declaration of business under the name “Immigration Visa Services of Canada” was registered at the Court House on October 25, 1972, and a dissolution filed on November 28, 1972. A business declaration under the name “Immigration Services Reg’d” was filed on November 28, 1972, with a dissolution in that name being registered on December 15, 1972. From October 24 until the middle of December, 1972, Immigration Visa Services operated from offices at 1405 Peel Street, Montreal. The operation then moved around the corner to 1117 St. Catherine Street West, where it remained until some time in January. Prompted by an investigation conducted for the Department by the R.C.M.P., Byer abandoned these new offices and returned to his law practice at 455 Craig Street West.

193. Before the Commission, Byer claimed that Immigration Visa Services of Canada was owned by his cousin, Sheldon Arnold Mintzberg, and others, and that his role was to act as counsel to the firm. The registered declaration of business indicates that Mintzberg was doing business alone under the name "Immigration Visa Services of Canada". A Mintzberg company owned the Peel Street building in which the firm first operated, and it appears that no rent for the premises was ever paid to this company. Mintzberg, in his testimony, claimed that he and Byer were partners. Each signed cheques. The document used to open the bank account, at the Banque Canadienne Nationale at 1001 St. Catherine Street West, signed by both, declares them to be in partnership.

194. The evidence shows clearly that Byer was the heart of the business. It was his idea in the first place. He approached Mintzberg. Mintzberg knew nothing about immigration matters; Byer, however, had a substantial immigration practice, and wanted to expand that practice by a campaign of solicitation not permitted by the Bar. The firm was set up to circumvent Bar regulations. Byer arranged for the firm's business cards and letterhead. He drafted a letter of solicitation sent to immigrants in the Montreal area. He obtained the clients and got the fees. It was Byer who devoted nearly all his time to the firm's operation. The R.C.M.P. found all the firm's records in his law office.

195. But Mintzberg had a part to play. I have already mentioned that the firm's Peel Street office was in a Mintzberg building. He collected some of the fees paid to the firm, and paid bills. He was frequently in the firm's office, and looked after some administrative matters. In a very real sense, he was Byer's partner.

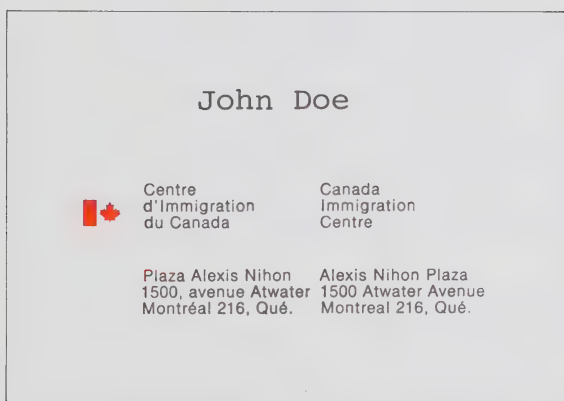
196. Apart from Byer and Mintzberg, some twelve people were, at one time or another, associated in one way or another with Immigration Visa Services of Canada. An articling law student, who had worked in Byer's law office, followed Byer to Peel Street and represented customers of the firm. A practising Montreal lawyer assisted about fifteen of the firm's clients before the Department. Various other "counsellors"—without legal training or experience—were employed. Three interpreters, who also worked for the Department, were employed by the firm on a part-time basis. The firm employed two secretaries, both recently landed immigrants. One client of the firm also worked there.

B. GETTING THE CLIENTS

197. On October 27, 1972, six thousand Immigration Visa Services of Canada business cards were delivered to the firm. Byer, and many of the firm's employees, distributed large numbers of these cards outside the Department's Alexis Nihon Plaza offices and at Dorval Airport. Some of the firm's customers were given cards (Exhibit 113) and were asked to pass them on to their friends. One could easily mistake the card for a Canadian government card (Exhibit 114).



(Ex. 113)



(Ex. 114)

One employee of Immigration Visa Services gave this testimony:

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

- Q. ... Did you ever see him distributing these cards? Did you ever see Mr. Byer distributing those cards?
- A. ... Unfortunately, yes.

Q. Where?

A. In the Alexis Nihon Plaza.

Q. Could you tell us a little bit more about that?

A. Well, we stood there in the morning, most likely waiting for the inquiries to begin, and he would go and talk to some people.

By their colour, you could tell they were immigrants, and he handed out some of these cards.

Q. Did you tell him anything about that?

A. . . . I might—I might have not.

Q. At that same [the prehearing] interview, on August 23rd, 1974, we have this at page 6188:

“(A) Well, there were cards en masse and everybody had a pile, including these immigrants there or prospective immigrants or whatever they were, you know; he would give his card to everybody. I saw that. I was with Byer, as a matter of fact, in the Plaza when he was handing out cards. I said: Steve, you’re crazy. And he was just laughing, you know”.

A. Yes.

Q. Is that accurate?

A. Yes.

(E-8232-3)

This evidence was corroborated by a number of witnesses, including immigrants who had been handed cards at the Alexis Nihon Plaza. An immigration officer at the airport became aware of the card, and reported the matter to his superior. The R.C.M.P. became involved and a series of investigations into Byer’s affairs began. It was the distribution of business cards that led both to the dissolution of Immigration Visa Services and in part to the investigation of Byer’s clients by this Commission.

198. Immigration Officer Brian Purdon supplied Byer with a list of a number of persons who had applied to the Department for permanent residence. Persons whose names appeared on that list received a letter of solicitation from Byer, and a number of them became clients of Immigration Visa Services. Paragraph (c) of the Order in Council empowered the Commission to investigate and report on “the preparation of a list of immigrants by Immigration Officer Brian Purdon for the said S. M. Byer. . . .” I give the full story of the Purdon list in Part Four (paragraphs 325-332).

199. A large number of letters of solicitation were sent out by Immigration Visa Services. These letters were sent to anyone who came to

Byer's attention, through Purdon's list, referrals, or whatever, and they produced a number of clients for the firm. Here is the letter (Exhibit 130):



Service d'Immigration - Visa Canadien

1405, rue Peel, Chambre 207
Montréal, Québec, Canada • (514) 288-0482

Immigration Visa Services of Canada

1405 Peel Street, Suite 207
Montreal, Quebec, Canada • (514) 288-0482

SERVICE D'IMMIGRATION VISA CANADIEN est une société à votre disposition pour vous conseiller et vous guider dans l'application de votre demande pour un permis temporaire et/ou permanent vous donnant droit d'habiter le Canada.

Pour plus de renseignements, veuillez vous adresser à nos bureaux situés au 1405 rue Peel, Suite 207, (coin de la rue Ste-Catherine (ouest), près du Métro Peel). Notre numéro de téléphone est - 288.0482.

Prenez rendez-vous dès maintenant.

* * * * *

IMMIGRATION VISA SERVICES OF CANADA is a service which provides complete professional counselling and representation in processing your application for either temporary or permanent admission to Canada.

Our offices are located at 1405 Peel Street, Room 207, just above St. Catherine Street West (Peel Metro Station) in downtown Montreal Telephone 288-0482.

It is very important to arrange for your appointment as soon as possible.

Yours truly

200. Clients and others were asked by Byer and employees of Immigration Visa Services to refer prospective customers to the firm. In some instances a fee—generally forty-five dollars—was offered for each referral. Several persons testified that they received such a fee, and the firm's records show payment of a number of such commissions.

201. Finally, in March, 1973, after Immigration Visa Services ceased to operate, Byer drafted a letter of solicitation, on his law office letterhead, that was sent to India. An "agency" of sorts was set up in Bombay, and advertisements printed in newspapers. A number of names of prospective clients were obtained in this way, but in the end the \$1,000 fee drove away any would-be customers.

C. BYER'S ACTIVITIES AND THE DEPARTMENT

202. Many of Byer's particular activities, carried on through Immigration Visa Services of Canada, posed problems for the Department in Montreal. Byer's method of soliciting and dealing with his clients often raised questions concerning the business of the Department and the conduct of its employees.

203. To begin with, the name of the firm and the red maple leaf symbol used on its business cards and letterhead led some immigrants to believe that the firm was part of, or in some way associated with, the Department. The words "immigration" and "visa" relate to services provided by the Canadian government. A red maple leaf with a red rectangle to the left is used on all official Canadian government publications and correspondence.

204. Immigrant clients of Byer were similarly confused by a letter he sent to those whose cases had come before the Immigration Appeal Board. When a file comes before the Board for consideration, a letter is sent by the Board advising the subject of the file of the status of his case. If the immigrant in question has counsel, a copy of this letter is sent to that counsel. In some instances, when Byer received that copy, he dispatched a letter on his law office stationery. The following, filed as Exhibit 285, is but one example:

BY REGISTERED POST

Dear Sir,

Please be advised that we have on this date received a letter from the Immigration Appeal Board wishing to review your dossiere [sic] as to the acceptance or rejection of the granting of your landed status within Canada.

I also wish to bring to your attention the fact that it is imperative that you attend our office at the above mentioned address so that we may process your file. There is also an outstanding balance of \$300.00 which consists of NSF cheques that you have not honoured. If you do not present yourself to our office we shall have no other recourse but to submit these dis-honoured cheques to the appropriate authorities for their review and consideration.

Govern yourself accordingly.

Yours very truly,
(signed) S. M. Byer

The impression created by this letter in the minds of some who received it was that Byer could cause the Department to deport them or otherwise deal adversely with their file. There is no evidence that Byer made any attempt to influence the Department in these cases to the prejudice of the immigrant.

205. Byer sent an eight-page letter to prospective customers in India. The mailing list for this letter was obtained with the help of a nephew of Byer's legal secretary. This secretary was a landed immigrant from India who had entered Canada with Byer's assistance. The nephew established an agency in Bombay called United Immigration Service. In January, 1973, this advertisement was placed in some Bombay newspapers (Exhibit 136):

Do you want to immigrate at Canada?
Phone Mr. Pat. 296-956 (6050)

"Mr. Pat" obtained between forty and fifty names in this way, and forwarded the list to his uncle, who gave it to Byer. Persons on the list then received the letter prepared by Byer. The letter contained lengthy instructions on how to complete an O.S. 8 form. It offered prearranged employment in Canada. It asked a \$1,000 fee for Byer's services, with \$500 payable upon completion of the O.S. 8 form and \$500 payable before leaving India for Canada. The importance of the India letter for the Commission's inquiry was that Byer claimed in his evidence to have consulted various immigration officers, whom he named, as to the contents of that letter, and said that the letter had been "approved" by these officers. There was, therefore, some suggestion of collusion between Byer and Departmental employees on this matter. The officers concerned denied Byer's claim, and I accept that denial. There is no evidence to substantiate this part of Byer's testimony.

206. These various practices of Byer might have led some to think that Immigration Visa Services of Canada was associated in some way with the Department, or that individual officers were co-operating

with Byer. Some immigrants testified that they did so think. The evidence shows that the Department in no way helped create this impression, and acted promptly when this matter was brought to its attention.

D. THE PREDATED LETTERS

207. On Monday, November 6, 1972, the regulations made under the *Immigration Act* were changed so that it was no longer possible for a visitor to Canada to apply for permanent residence while still in this country. On Friday, November 3, at about midday, it became widely known that this change had been decided upon, and there was some confusion as to whether or not it was already effective. It became necessary for anyone wanting to become a landed immigrant to apply for that status outside Canada. A number of prospective immigrants, here as visitors on November 6, 1972, or arriving shortly after that date in ignorance of the change in regulations, were caught by the new situation.

208. Four persons who were caught by the change were represented before the Department by S. M. Byer. (For details of these four persons, see Appendix 13.) They arrived separately between October 26 and 29, 1972, from Uganda, England, South Africa and India respectively. Two came alone; one arrived with a group of eleven "visitors"; the fourth came with his wife and children. All were admitted as visitors at the port of entry, although all admitted before the Commission that they came to Canada to seek permanent residence. One had, before leaving his country of origin, obtained Byer's name from friends in Canada; two were directed to Byer by friends after arrival in Canada; one testified that he met Byer in the metro.

209. None of these four had given notice of intent to apply for permanent residence when the regulations changed. After the change, all retained Byer's services. All told the Commission that they were advised by him to send a letter to the Department bearing a date earlier than November 3, 1972, stating their intent to apply for permanent residence. All sent such letters, postmarked after the regulation change, and they were received by the Department. Some time later, each was contacted by the Department and provided an affidavit establishing the date the letter was written and mailed. Each signed an affidavit to the effect that the letter was written and mailed before November 3. All admitted before the Commission that these affidavits were false.

210. One was allowed to apply for permanent residence and passed the assessment; he is now a landed immigrant. In the three other cases

deportation orders were made. Special inquiries and appeals took place, and eventually these three gained landed immigrant status through special programs.

211. One witness first insisted before the Commission that he had signed and mailed the letter to the Department before the change in regulations. The letter he sent was dated November 1, 1972. He said he did not see Byer until November 12. After this part of his testimony, the witness took the protection of s. 5 of the *Canada Evidence Act*. He then admitted that he went to Byer on November 6; that Byer advised him to send a letter to the Department, and drafted that letter for him; that the letter was mailed on the sixth; and that on November 14 he signed a sworn affidavit to the effect that the letter was mailed on November 1, Byer being present when the affidavit was signed and advising on its contents. Byer, when questioned about this testimony, claimed not to recollect exactly what had happened.

212. A second witness testified right from the start that the letter to the Department was dictated by Byer in his office and mailed on November 6. A third witness testified similarly:

- A. After the 3rd of November, 1972, which was Friday, he called me, and tells me, because that day, the law was changed, so I have to—he said to apply for a previous date.

THE COMMISSIONER:

Q. For what?

- A. For a back date. Apply for immigration, a back date. I asked him why? He said he hasn't sent my papers yet.

MR. JOSEPH R. NUSS,
Counsel for the Commission:

Q. This was on November 3rd, 1972?

- A. That was Friday, November 3rd, 1972.

Q. And it was just after the regulation was changed?

- A. It was changed, yes.

Q. And you know that according to the changes in the regulations, it was no longer possible for people who were here as visitors, to apply for landed immigrant status?

- A. Yes.

Q. You say he called you?

- A. Yes.

Q. And did he ask you to go to his office?

- A. Yes. I went to Peel Street.

- Q. And what happened when you got to his office?
- A. Well, he explained me what I had to do.
- Q. What did he explain?
- A. I have to write a letter.
- Q. Yes?
- A. Pre-date. I have a friend, [X], and he was still with me, so we typed a letter, and I posted it myself.
- Q. Did he say it should be pre-dated to what date?
- A. Well, a couple of days back. I don't know what date we put on it, but it was pre-dated.
- Q. Prior to November 3rd?
- A. Yes.
- Q. And, in fact, did you send a letter to the Immigration office, dated 29th of October, 1972?
- A. That's right, that's right.

(E-1947-8)

The third witness also testified that he swore an affidavit written by Byer, on Byer's advice and in his presence. The fourth predated letter witness gave a very similar account. The fourth witness also testified that Byer counselled him on the story that should be told at special inquiry—Byer advised him to say that he had written the letter himself, without Byer's assistance. Byer again testified that he could not recollect these various events taking place.

213. The testimony of these four witnesses concerning predated letters shows how the Department was misled by such fraudulent activities. It illustrates the kind of difficulties encountered by the Department as it attempts to go about its business. The evidence indicates that, with respect to these four cases, the Department acted properly and efficiently.

E. THE CASE OF THE FIFTY DOLLARS "ON THE TABLE"

214. One witness testified that at his special inquiry, Byer, who was attending as the witness's counsel, told him during an adjournment, with an interpreter present, to put fifty dollars on the table in front of the Special Inquiry Officer. He gave this account of what happened:

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

- Q. . . . After the recess, what happened?
- A: (INT). When we went inside, they asked me to put fifty dollars (\$50.00) on the table regarding the work permit and as a bond to work across Canada.

Q. Who asked you?

A: (INT). Mr. Byer.

Q. Mr. Byer asked you to put the money on the table, not Mr. [X, the Special Inquiry Officer]?

A: (INT). No, not Mr. [X].

Q. What happened after you put the fifty dollars (\$50.00) on the table?

A: (INT). Mr. [X] said: "It is not necessary that this fifty dollars (\$50.00) has to be kept but it is just like a bond for the Elizabeth fund. It is just there like a bond."

Q. But that was after your decision. Did you get the fifty dollars (\$50.00) back when you put it on the table?

A: (INT). Yes, I did.

Q. And, afterwards, a decision was rendered and you were ordered deported: is that correct?

A: (INT). Yes.

Q. And you appealed; is that correct?

A: (INT). Yes.

Q. And at that time you were asked to file . . . to sign a bond for a hundred and fifty dollars (\$150.00)?

A: (INT). Yes.

Q. Is that the Elizabeth bond you were talking about?

A: (INT). Yes.

Q. But you only signed, you didn't give any money, did you?

A: (INT). No.

Q. Did you sign?

A: (INT). Yes.

Q. Did you give any money?

A: (INT). No.

(E-16142-3)

The minutes of the special inquiry held on June 22, 1973, read, in part, as follows:

BY PERSON CONCERNED

I wish to remain in Canada permanently as a landed immigrant. I have been given to understand that I can remain here permanently also I have been given work permit which allows me to work at only one place in a restaurant, Pepe's. I want if I am not allowed to remain as an immigrant the right to appeal and a work permit allowing me to work anywhere in Canada at any other place. I have \$50.00 which I understand is requirement for open work permit. (Person concerned puts \$50.00 on table in front of him.) Nothing else to add.

BY SPECIAL INQUIRY OFFICER (to Person concerned)

Mr. [Y] I note the statements you have just made. I will decide at the end of this inquiry whether or not to issue you with a work permit. However,

I wish to bring to your attention that all services of the Canada Immigration Department are free and that there is no need for the payment of any sums or moneys in any way, shape or form for the receiving of such a work permit. I am unaware of where you received this information, however, I assure you that to me [sic] knowledge it is false.

BY COUNSEL (to Special Inquiry Officer)

May I ask a question to you Mr. [X]? This is surprising that my client has made the request of working permission before you have rendered your decision in his case. However, as my client understands it any conditions for his release may be imposed by yourself as the Special Inquiry Officer. And such conditions are at your discretion as being the particular Inquiry Officer here. Given such discretion my client had submitted this cash deposit since in the past he had been aware that it may be necessary if you as a Special Inquiry Officer would place that as one of the conditions to his release and permission to work. He also has understood this in the light of the fact that he would have to appear in the future at any time when called upon to do so by yourself as the Special Inquiry Officer or any other representative of the Immigration Department. And as such would you not say that it was the custom in many cases to have the person deposit an amount of money concerning his release and either awaiting his Special Inquiry or awaiting his appeal hearing. This is to my mind why my client has made this statement today.

BY SPECIAL INQUIRY OFFICER (to Counsel)

If this is true the fact that this money is to be placed as a cash deposit as a release from detention it is accepted in some cases where the people concerned are able to deposit a cash bond for release, however, this is not the meaning that came across to me and my understanding. However, I thank you Mr. Beyer [sic] for your clarification of this slight misunderstanding between Mr. [Y] and myself during this inquiry.

Before the Commission, the Special Inquiry Officer testified that after the inquiry he was told by the interpreter, who had been present at the meeting between Byer and his client during the recess, that Byer had instructed his client to put the fifty dollars on the table. Later a declaration was taken from the interpreter to this effect, and a report made by the officer to his supervisor. Before the Commission, Byer again had difficulty recollecting this series of events.

215. I conclude from the evidence, first, that in this incident the Special Inquiry Officer behaved irreproachably; and second, that the immigrant involved was acting on Byer's instructions and did not really appreciate the questionable nature of his conduct. During testimony, various explanations for Byer's conduct were advanced, but it is beyond my mandate to speculate on that matter. It is clear that, yet again, the

conduct of Byer's client was such as to impede the normal and proper functioning of the Department.

F. A LAST-MINUTE BUSINESSMAN

216. The O.S.8 form of one immigrant represented by Byer indicated "tailor" as intended occupation in Canada. This immigrant did not pass his assessment. At his special inquiry (April 25, 1973), he indicated that he intended to go into business:

- Q. Mr. [X], you have the details of the assessment made by the Immigration Officer. I have the right to review that assessment and vary it, if necessary. Do you accept that assessment?
- A. I wish to revise Item no. 2; 3; 4; and 8 in paragraph 3 of the report. Since I want to go into business, I would be obliged if you would give me extra units.

Before the Commission, this man explained why he claimed to be a businessman before the special inquiry:

[MR. ROGER POTHIER,
Counsel for the Commission:]

- Q. And did you discuss with Mr. Byer?
- A: (INT). Yes, I discussed with him.
- Q. Did you discuss the point system?
- A: (INT). Yes, he explained everything to me that I did not have any other way or means of getting in. He explained to me how I can secure more points. He explained all those things to me.
- Q. Did he tell you that if you were to become a businessman in Canada, you would be given twenty-five points?
- A: (INT). Yes.

(E-2571)

The witness was nonetheless ordered deported by the Special Inquiry Officer. On appeal, the Immigration Appeal Board quashed the order of deportation, and he is now a landed immigrant as a result of a special program.

G. CONCLUSIONS

217. I deal elsewhere in this report with other matters involving the clients of Byer which affected the Department. Paragraphs 101 to 105 deal with "certain documents" used by these clients when seeking permanent residence. In Part Four I tell the story of Purdon's list. I should emphasize again that my Commission was empowered only to investigate

and report on the state and management of the Department and the conduct of Departmental employees. I refer to other persons and matters because, at times, it is necessary to do so. I do not reach conclusions or make recommendations with respect to those persons or matters.

218. There is little adverse to the Department in the evidence concerning persons represented by S. M. Byer. The one damning incident is that of the Purdon list. That incident involved not the Department as a whole, but the conduct of one individual. The Department processed the files of the clients of Byer properly and according to Departmental standards.

219. But the story of those immigrants who hired Byer does tell us some things with respect to the business of the Department. It illustrates how, in the absence of certain safeguards, the work of the Department can be impeded by the manner in which someone represents his clients before the Department. It suggests a need for finding better ways to ensure proper representation of persons before the Department.

220. One way in which the Department's specific interests could be protected is by instituting tighter control of those who represent persons before the Department. To begin with, "counsellors" who are not lawyers should be accredited in some fashion. It should not be possible, as it is at present, for anyone, no matter what his background, to set himself up as an advisor to immigrants and as a person who will represent them in their dealings with the Department. If some form of accreditation were established, at least a minimal standard of competence and ethics could be ensured and the Department would be spared many problems of the kind I have described in this section of my report. Accreditation of counsellors could be with the Department itself, or with another branch of the Canadian government, or by a "professional corporation" established under provincial legislation. It might be desirable for the Department of Manpower and Immigration not to be the accrediting body, in order to reassure immigrants that they could obtain independent advice and representation.

221. A further safeguard for the Department would be to require all persons representing immigrants—be they lawyers or just "counsellors"—to go on record as representing that person and to file a form with the Department giving certain essential information about themselves. The Department might go further still, and define restrictively which persons may represent immigrants.

222. The United States's procedure is instructive in this respect. The United States Immigration and Naturalization Service has detailed regulations regarding representation of persons before it. They read in part:

§292.1 *Representation of others*—(a) *Attorneys in the United States*. Any attorney, as defined in §1.1(f) of this chapter, may represent persons before the Service and the Board.

(b) *Reputable individuals*. When a person is entitled to representation, he may be represented by any reputable individual of good moral character who is appearing without remuneration, directly or indirectly, and files a written declaration to that effect, if such representation is permitted by a regional commissioner, district director, officer in charge, special inquiry officer, the Commissioner, or the Board.

(c) *Accredited representatives*. A person may be represented by an accredited representative of an organization described in §1.1(j) of this chapter.

(d) *Accredited officials*. An alien may be represented by an accredited official, in the United States, of the government to which he owes allegiance, if the official appears solely in his official capacity and with the alien's consent.

(e) *Attorneys outside the United States*. An attorney, other than one described in §1.1(f) of this chapter, residing outside the United States and licensed to practice law and in good standing in a court of the country in which he resides, and who is engaged in such practice, may be permitted by a regional commissioner, district director, officer in charge, the Commissioner, or the Board to be heard. The regional Commissioner and district director are authorized to withhold granting permission to be heard before an officer under their jurisdiction and may refer the request to the Board for its decision.

(f) *Amicus Curiae*. A person desiring to be heard as amicus curiae shall apply therefor to the Board. The Board may grant such application if in the public interest to do so.

(g) *Former employees*. A person previously employed by the Department of Justice is not permitted to represent in a case in which he participated during the period of his employment.

(h) *Persons formerly authorized to practice*. A person, other than a representative of an organization described in §1.1(j) of this chapter, who on December 23, 1952, was authorized to practice before the Service and the Board may continue to represent, subject to the provisions of §292.3.

(i) *Limitations*. No other person or persons shall practice in any case.

§292.3 *Suspension or disbarment*—(a) *Grounds*. The Board, with the approval of the Attorney General, may suspend or bar from further practice an attorney or representative if it shall find that it is in the public interest to do so. The suspension or disbarment of an attorney or representative who is within one or more of the following categories shall be deemed to be in the public interest, for the purpose of this part, but the enumeration of the following categories does not establish the exclusive grounds for suspension or disbarment in the public interest:

(1) Who charges or receives, either directly or indirectly, any fee or compensation for services which may be deemed to be grossly excessive in relation to the services performed, or who, being an accredited representative of an organization recognized under §1.1(j) of this chapter, charges or receives either directly or indirectly any fee or compensation for services rendered to any person, except that an accredited representative of such an organization may be regularly compensated by the organization of which he is an accredited representative;

(2) Who, with intent to defraud or deceive, bribes, attempts to bribe, coerces, or attempts to coerce, by any means whatsoever, any person, including a party to a case, or an officer or employee of the Service or Board, to commit an act or to refrain from performing an act in connection with any case;

(3) Who willfully misleads, misinforms, or deceives an officer or employee of the Department of Justice concerning any material and relevant fact in connection with a case;

(4) Who willfully deceives, misleads, or threatens any party of a case concerning any matter relating to the case;

(5) Who solicits practice in any unethical or unprofessional manner, including, but not limited to, the use of runners, or advertising his availability to handle immigration, naturalization, or nationality matters;

(6) Who represents, as an associate, any person who, known to him, solicits practice in any unethical or unprofessional manner, including, but not limited to, the use of runners, or advertising his availability to handle immigration, naturalization, or nationality matters;

(7) Who has been temporarily suspended, and such suspension is still in effect, or permanently disbarred, from practice in any court, Federal, State (including the District of Columbia), territorial, or insular;

(8) Who is temporarily suspended, and such suspension is still in effect, or permanently disbarred, from practice in a representative capacity before any executive department, board, commission, or other governmental unit, Federal, State (including the District of Columbia), territorial, or insular;

(9) Who, by use of his name, personal appearance, or any device, aids and abets any person to practice during the period of his suspension or disbarment, such suspension or disbarment being known to him;

(10) Who willfully made false and material statements or representations with respect to his qualifications or authority to represent others in any case;

(11) Who engages in contumelious or otherwise obnoxious conduct with respect to a case in which he acts in a representative capacity, which in the opinion of the Board, would constitute cause for suspension or disbarment if the case was pending before a court, or which, in such a judicial proceeding, would constitute a contempt of court;

(12) Who, having been furnished with a copy of any portion of the record in a case, willfully fails to surrender such copy upon final disposition of the case or upon demand, or willfully and without authorization makes and retains a copy of the material furnished;

(13) Who has been convicted of a felony, or having been convicted of any crime is sentenced to imprisonment for a term of more than one year; or

(14) Who has falsely certified a copy of a document as being a true and complete copy of an original.

§292.4 *Appearances*—(a) *Form G-28*. An appearance shall be filed on Form G-28 by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required.

223. Were the Department to institute safeguards of the kind I have just mentioned, I believe many problems of the sort considered by this Commission would be avoided. Furthermore, it is clear that not only the interests of the Department, but also those of the immigrants themselves, would be better protected.

224. Another means of ensuring better representation for immigrants, and thereby promoting a more efficient Department, is to provide by means of a legal aid scheme proper and supervised legal advice for those who need it. I am pleased to note that steps in this direction have already been taken in Canada. During the summer of 1974, with the authorization and financial assistance of the Departments of Manpower and Immigration and Justice, Parkdale Community Legal Service of Toronto provided legal counsel at Malton Airport to persons whose admissibility had to be determined at a special inquiry hearing. In general, it appears that the results of this experiment are thought favourable by those affected, including the Department. At the time this report was being written, a similar experimental project also funded by the federal government had taken place at Montreal International Airport, with legal advice this time being provided by lawyers through the Centre Communautaire Juridique de Montréal, rather than by law students. In the United Kingdom, the United Kingdom Immigrants Advisory Service (UKIAS), an organization independent of but financed by the government, has been providing legal aid for immigrants since 1970. UKIAS is composed of and directed by a number of voluntary bodies concerned with the welfare of immigrants. In 1973-74, UKIAS, with ten offices in the United Kingdom, conducted appeals, made representations and gave welfare advice to more than twenty thousand people.

V. INCIDENTAL AND RELATED MATTERS

225. In the course of an inquiry such as this one, important matters not specifically mentioned in the terms of reference were bound to arise. When such matters were not relevant to my mandate, I refrained from further investigation (see paragraph 7). But where they were clearly “matters incidental or relating to” my inquiry, I proceeded. I investigated two such questions relating to the state and management of the Department—alleged discrimination by officers in the handling of files, and the training given officers by the Department.

A. ALLEGED DISCRIMINATION

226. Early in the Commission’s hearings, former Immigration Officer Lawrence Doiron referred to discriminatory attitudes displayed by immigration officers. He said that many officers joked among themselves about black immigrants, and made remarks in bad taste. Other officers confirmed that such jokes and remarks were exchanged, although on a limited scale. I am satisfied that there were some such incidents, although I do not believe on this subject that this “joking” was a common practice. I accept the testimony of District Administrator André Guénet:

[TRANSLATION]

A witness has stated that racial discrimination was practised in the Montreal district, and that several officers had made remarks about certain nationals who came to the office. I can neither deny nor confirm that these remarks were made, but I can confirm that with the majority, and here I insist the very great majority of our officers, these practices do not occur and have not developed.

(E-1240)

All the immigration officers who testified in this connection, including Doiron, stated that the Department’s policy insisted on the total absence of discrimination in the handling of files, and all the evidence supports this testimony.

227. In 1969 the Department undertook a “qualitative review” of files that had been processed. This review was designed to ensure that in every file the laws and regulations were uniformly applied without any regard for the colour or ethnic origin of the applicant.

228. In the beginning of 1972, the Department took further measures to ensure the even treatment of files. A senior psychology student was engaged to work with a Departmental employee, himself trained in psychology, in studying the personality assessment given applicants by

immigration officers. Up to fifteen points can be given an applicant for personality, and the number awarded is almost entirely at the discretion of the assessing officer. One thousand ninety-two files were analyzed, without any evidence of discrimination being uncovered.

229. Other steps taken by the Department to guard against discrimination included promoting good relations with ethnic organizations and with consulates, trying to inform officers of the backgrounds of various ethnic groups, and issuing directives to officers regarding the attitude they should adopt with applicants.

230. Discrimination takes many forms, sometimes subtle forms defying discovery. But this Commission did not hear any allegations by immigrant witnesses of discrimination. Apart from reference to jokes and remarks in bad taste, I found no evidence of discriminatory attitudes or practices. The "joking" which I did discover cannot be condoned, and the Department should be vigilant to prevent this kind of conduct. I am satisfied that there is no trace of discrimination in the policy of the Department, and that valuable efforts have been made by the Department to ensure the objective treatment of applicants.

B. THE TRAINING OF DEPARTMENTAL EMPLOYEES

231. Most of the immigration officers who appeared before the Commission complained that they had been inadequately trained for the performance of their duties. A particular point of complaint was inadequate training for the proper assessment of those applying as businessmen. I have already discussed this latter aspect of officer training (paragraphs 135-138). I shall deal here with the more general complaint voiced by the officers who appeared before the Commission.

232. According to testimony heard by the Commission, all immigration officers had, at the beginning of their career with the Department, one week's training in the law and regulations. This week of formal training was followed by between one and three months of on-the-job training under supervision. Most officers later attended a one-week session dealing mostly with interview techniques, but this session was long after—sometimes years after the beginning of an officer's service. Weekly afternoon sessions were held with supervisors to discuss and review the week's cases, changes in regulations or policy, and so on. Manuals, guidelines and directives were routinely distributed to all. Some officers, at some point in their career, were given additional training in investigation, administration, or the techniques of a special inquiry

(in preparation for becoming a Special Inquiry Officer). Finally, a few attended night courses, mostly in administration, at the University of Montreal, with the Department paying some or all of the tuition fee.

233. In its brief to the Commission, the Manpower and Immigration Union of the Public Service Alliance of Canada commented that "we believe the Commission was given a true picture of the situation. . . ." The brief went on to say:

We have on many occasions raised with the Department the problems caused by lack of proper training, particularly in the case of newly joined Officers. Our comments have been received with both concern and interest, particularly at senior levels, and we trust the matter will be rectified in due course.

The Union then recommends:

- (a) That the Department institute, throughout all its division in HQ and in the field, a scheme of career planning and counselling for its employees, on an urgent basis.
- (b) That the Department, concurrently with the above action, institute a comprehensive training programme, giving priority to that type of training required at the time of the initial appointment of immigration officers.
- (c) That the training programme include, in addition to the initial basic training, such continuation, refresher, and advanced training as may be required to fit employees for their duties at higher levels, and to assist them to progress in a career pattern which will be of mutual benefit to the employer and the employees.

234. There is no college or training centre for Canadian civil servants. The system relies on each department to provide whatever specialized training is necessary for its employees. The Department of Manpower and Immigration, during the period under investigation, was under considerable pressure, with a very great volume of work; consequently, training was sporadic and, at times, quite minimal. Clearly some systematic approach to training is required. The Commission had the advantage of studying the system of training for immigration officers in both the United States and the United Kingdom. In the United States, ordinary officers spend a fourteen-week training period at the Border Patrol Academy near Los Fresnos, Texas. The Academy's curriculum is designed to provide basic training in immigration law enforcement. It includes such courses as immigration law; Latin American culture; criminal law evidence and court procedure; officer conduct and public relations; techniques of interrogation; methods used to evade apprehension; document frauds; and false claims to citizenship. Following attendance

at the Border Patrol Academy, officers continue to take courses part-time at the district level. In the United Kingdom, officers are given a seven-week training course, run at ports of entry during wintertime. These courses are taught by professional teachers who have attended Civil Service College. After someone has spent from one to two years as an officer, he takes a one-week consolidation course. After five or six years, he is encouraged to attend a voluntary senior officers' course. There are also voluntary language courses for those with proven language ability. The basic seven-week course, put on by the Immigration Service Training Branch, presents courses in examination techniques; role play; complaints by the public; giving evidence; community relations; and introduction to forgery.

235. A good and sufficiently long period of training would significantly improve both the ability and efficiency of Departmental employees. The Department's training section should expand its activities, from preparing manuals and programs to be used at the regional level, to itself implementing rigorous training procedures. A formal training program with properly trained teachers, given to every officer at the beginning of his career, should be established. A good first step in this direction would be close study of the United States and United Kingdom models. At the very least, the Department should create a section to plan and implement a proper training program for officers.

VI. CONCLUSIONS TO CHAPTER THREE

236. My investigation into the Montreal office of the Department brought many mistakes to light. A number of people were admitted to Canada as visitors when a cursory examination of their case would have raised serious doubts about their real intention in coming to this country. Some applicants for landed immigrant status were assessed as businessmen when anyone even slightly familiar with the commercial world would have concluded that they were not businessmen at all. Persons applying for permanent residence used documents of doubtful value which were not properly evaluated. Organizers and intermediaries were allowed to flourish, with the Department often not making routine and

simple checks of *bona fides*. Co-operation between some branches of Immigration, and between Immigration and Manpower, was on occasion quite poor.

237. What is the explanation for these and other shortcomings? There is no evidence that any of them was a consequence of any corruption in the Department. Some of the mistakes are attributable to normal human failings. But some of the errors have more specific causes. Immigration officers were often not adequately trained for the task they had to perform. Investigative facilities were insufficient. The regulations and directives which govern officers were and are, in some respects, inadequate and obscure. Lines of authority within the Department were not always clear. Co-operation between branches was not always satisfactory. The work of the Department was made more difficult by applicants who would do anything to gain permanent residence in Canada, and by "organizers", "intermediaries", and "counsellors" who would do anything to assist them.

238. I must emphasize that my conclusions are based on investigation of a particular period of time, largely 1972. There have been a number of important modifications in the law and regulations since then, and the situation has changed.

PART FOUR

The Employees

I. INTRODUCTION

239. I was required by the Orders in Council to investigate and report on the conduct of any person who is or was in the service of the Department so far as that conduct relates to his official duties in respect of any of the matters referred to in the Orders in Council.

A. THE STANDARD OF CONDUCT FOR AN IMMIGRATION OFFICER

240. Upon becoming an employee of the Department, an officer takes an oath which begins: "I solemnly and sincerely swear that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the Public Service. . . ."

241. At the time relevant to the Commission's inquiry, the Department had in force a "Code of Conduct" which formed part of the *Immigration Manual* given to every employee. This code provides in part:

1. . . . In the performance of his duties, [an employee] may encounter persons who, during or after working hours, will attempt to cultivate his acquaintance because of his employment. At all times, therefore, he must be above reproach as well as thoroughly realistic regarding those persons who seek his acquaintance.
- 4(a) . . . The acceptance by an employee of any *gift, loan, benefit, advantage, social invitation or other favour*, made or offered by any member of the public having anything conceivable to gain thereby, will not be tolerated
5. Included in "gifts, loans, benefits, advantages or other favours" the acceptance of which is prohibited [is] any . . . favour done, offered or

made by a person having business dealings with the Department to an employee merely because he is a Departmental employee, to a member of the employee's family, or to another person on the employee's behalf, if such favours are intended to influence his decisions or actions to the advantage of the donor, to show gratitude for previous assistance or co-operation, or are open to such interpretation in any way.

242. The Department from time to time cautioned its employees against accepting gifts from those dealing with the Department. No specific reference was ever made to intimate or sexual relationships. The Department thought it was so obvious as not to require emphasis. But quite apart from Departmental directives, those in the employment of the Department who testified on the matter agreed that it was simply wrong to have an intimate or sexual relationship with a woman currently having business dealings with the Department.

243. On December 18, 1973, an Order in Council (P.C. 1973-4065) passed under the *Public Service Employment Act* brought into force "Guidelines to be Observed by Public Servants Concerning Conflict of Interest Situations". Paragraphs 2 and 3 of those guidelines read as follows:

2. It is by no means sufficient for a person in a position of responsibility in the public service to act within the law. *There is an obligation not simply to obey the law but to act in a manner so scrupulous that it will bear the closest public scrutiny.* In order that honesty and impartiality may be beyond doubt, *public servants should not place themselves in a position where they are under obligation to any person who might benefit from special consideration or favour on their part or seek in any way to gain special treatment from them.* Equally, a public servant should not have a pecuniary interest that could conflict in any manner with the discharge of his official duties. (Italics mine)
3. No conflict should exist or appear to exist between the private interests of public servants and their official duties. Upon appointment to office, public servants are expected to arrange their private affairs in a manner that will prevent conflicts of interest from arising.

Although these guidelines came into force after the period investigated by the Commission, they indicate standards of conduct which one would in any event expect from a civil servant.

244. The standard for any public official—be he a Minister of the Crown or an ordinary civil servant—must be that he not behave so as to create a reasonable belief that he has behaved improperly. Even the appearance of misconduct in a public official is reprehensible. Lord Denning, in his 1963 report to the British Prime Minister on the so-called Profumo Affair (Cmnd. 2152), suggested that some British

cabinet ministers may not have reacted properly to the Profumo incident.

Did the Ministers ask themselves the proper questions? They concentrated their attention on the matter of immorality. And the one question they asked themselves was whether Mr. Profumo had *in fact* committed adultery; whereas the proper question may have been: was his conduct, proved or admitted, such as to lead ordinary people *reasonably to believe* that he had committed adultery?

(paragraph 285, Cmnd. 2152)

245. Jurisprudence reinforces the view I have taken of what is proper conduct of a government employee. In *Hoile v. The Medical Board of South Australia* (1960) 104 C.L.R. 157, the appellant had his name removed from the register of medical practitioners following a finding that he had been guilty of infamous conduct in a professional respect arising from the fact that, while medical superintendent of a hospital, he had sexual relations with a nurse employed at the hospital. The Medical Board characterized Hoile's activities as involving "an abuse of the relationship which arose directly out of his status as a Medical Practitioner and the Superintendent of the Hospital" Hoile appealed on the basis that his conduct, infamous or not, was not infamous conduct in a professional respect. The High Court of Australia said of a medical practitioner that "if his professional relationships are the occasion or source of the misconduct and it is sufficiently serious it may be deemed by the Medical Board to be infamous conduct in a professional respect." Hoile's conduct, the Court said, "arose out of a relationship professionally established and it was destructive of the position he should have held in the hospital and of his influence." In *Henry v. Ryan* (1963) Tas. S.R. 90, the appellant, a police constable, was charged with an act of misconduct against the discipline of the police force, in that he loitered in the ground of a girls' school improperly dressed in a manner unbecoming a member of the force. Chief Justice Burbury of Tasmania noted of a police constable that:

Discreditable conduct in his private life may . . . clearly affect his status and authority as a police officer in the discharge of his public duties and in his relations with the public.

Misconduct in his private life by a person discharging public or professional duties may be destructive of his authority and influence and thus unfit him to continue in his office or profession.

Burbury C.J. continued later in his judgment:

I cannot doubt that misconduct in his private life by a police officer of a nature which tends to destroy his authority and influence in his relations

with the public amounts to "misconduct against the discipline of the police force." A police officer must be above suspicion if the public are to accept his authority.

Finally, I would draw attention to the decision of Edward B. Jolliffe, Q.C., Chief Adjudicator under the *Public Service Staff Relations Act*, R.S.C. 1970, Ch. P-35, in adjudication 166-2-889 (December, 1973), *Atkins (Grievor) v. Treasury Board (Employer)*. In the course of giving his decision, Mr. Jolliffe said:

It is not sufficient for the public servant or his associates to be convinced of their own innocence and integrity. Nor is it necessary to prove that they have been disloyal to the employer. Even in the absence of evidence of wilful wrongdoing, a conflict of interest or the appearance thereof can be easily recognized by an intelligent citizen as contrary to public policy.

(p. 29)

B. THE DEPARTMENT AT THE TIME

246. The structure and internal organization of the Montreal Department at the time are analyzed in more detail in Appendix 9. For present purposes, I shall briefly refer to those employees of the Department with whom the inquiry was most concerned. From 1970 until the middle of 1972, there were altogether forty-six immigration officers in those sections of the Montreal Department dealing with applicants in Canada, non-immigrants, and nominated or sponsored relatives. In the period from June to December, 1972, this number was increased to fifty-eight. Thirty-three officers gave evidence before the Commission; of the remainder, some had not had any contact with the files under investigation, others were ill or for other good reason not available at the time of the hearings. Two of the thirty-three were women. The age of these officers ranged from twenty-nine to fifty-seven, with the average age about forty-three. Years of service with the Department were from two and one-half to twenty-nine and one-half, with the average about eleven. Nineteen of the officers were recruited from outside the public service, with the remaining fourteen coming from other places in the government. Twenty-two had either an eleventh- or twelfth-grade education upon entering the service; the others had at least one year of university education. It should be noted that the total strength of the Immigration Section of the Department in Montreal during the period under investigation was about 240, including secretarial and other personnel who did not deal directly with the public; these latter persons, if they dealt with the files under investigation at all, did so only as a matter of routine. At the time of writing, the

Department has about 280 employees, and Dorval, Hull and Rouyn—which used to be subject to the Montreal office and which accounted for about one-fifth of the employees—are no longer in the Montreal District.

II. EMPLOYEES AND THE PARAGRAPH (a) FILES

247. In this part of my report, I shall continue to use the grouping of files which I explained earlier (paragraphs 50-52). The first group consists of fifty-six files; forty-four are enumerated in paragraph (a) of the first Order in Council; four are found in the second Order in Council; and eight have been added as related files in accordance with paragraphs (a) and (e) of the first Order. Most of the files in the first group are files of women applicants from the Caribbean whose names appeared in an immigration officer's "black book" which was seized by the R.C.M.P. (For further details, see paragraph 50 and the general chart, Appendix 10-A.) The major part of my report in this chapter is the story of these first-group files.

248. The remaining paragraph (a) files are second-group files (see paragraph 51). They are the files that raise questions concerning visitors, businessmen, intermediaries, and so on. I have dealt with them in Part Three. Second-group files relate to the business of the Department, rather than to the conduct of individual Department employees. There was no evidence of individual misconduct with relation to these files.

A. THE SEXUAL RELATIONSHIP BETWEEN IMMIGRANTS AND OFFICERS

249. Altogether, six immigration officers were engaged in various ways in the type of conduct I describe below.

250. The evidence establishes that nineteen women of this first group, who had either themselves applied for permanent residence or had sponsored relatives, had sexual relations with immigration officers while they were dealing with the Department (by sexual relations, I mean any kind of intimate physical contact, and not just sexual intercourse). Five

officers were involved, to a greater or lesser extent, in the activities in question. The women admitted, and four of the immigration officers confirmed, the existence of the relationships.

251. Uncontested evidence shows that thirteen women applicants, while not having sexual relations with immigration officers at the time of their dealings with the Department, nevertheless were approached by officers and invited to have such relations. Both the women and the officers involved admitted these approaches. In two instances, while the women applicants testified that they had no sexual relations with immigration officers, the officers testified to the contrary. In three of the files investigated, according to the testimony of the immigration officer involved, there was a sexual relationship, but the Commission could not locate the applicant involved and the officer's testimony remains uncorroborated. Finally, with respect to two incidents, women immigrants testified that they were asked to meet an immigration officer in the basement of the Alexis Nihon Plaza (the Department offices are located in that building), and that when they did so he caressed them. Three employees of the Department were engaged in the type of conduct described in this paragraph.

252. Three employees had relationships with women who had dealings with the Department which were improper although not of the reprehensible nature of those I have just described.

253. In thirty-two of the first-group files investigated there is no evidence of any improper relationship between the employees and women having dealings with the Department.

B. LAWRENCE DOIRON

254. Lawrence Doiron joined the Department on April 10, 1967. On January 1, 1968, he was transferred to the section dealing with sponsored immigrants, and was promoted at the same time. From late 1971, he was on loan to the independent applicants section. On April 27, 1973, Doiron was suspended, and on June 28, 1973, he was dismissed.

255. Doiron is now in his early forties. He is married, but has been physically although not legally separated from his wife since about 1970. He has no children. When he was working for the Department, Doiron lived in a small apartment in downtown Montreal.

256. In 1969 and 1970 it was noticed that Doiron was frequently absent from duty; in the fiscal year 1969-70, for example, he was absent

for twelve separate periods for a total of 54½ days. In 1971, he was referred to the Department of Health and Welfare for a medical examination, and was declared fit. Absences nonetheless continued (39½ days in 1971-72, and 91½ days in 1972-73), and late in 1972 it became apparent that Doiron was suffering from acute alcoholism.

257. By the time he testified before the Commission, Doiron had been dismissed by the Department, was unemployed and was destitute. Doiron co-operated fully with the Commission. His testimony was only challenged on minor points, and in general other evidence corroborated it.

258. Lawrence Doiron freely admitted having had sexual relations with women having business with the Department. These relations began as early as the summer of 1970 and went on until early 1973. During this period Doiron was carrying out his functions in the sponsored immigrants section and the independent immigrants section of the Department. Sixteen women immigrants in their testimony admitted this relationship; none denied it; two women immigrants mentioned by Doiron could not be found. Doiron also made advances over the telephone to a further nine women; four of these went to his apartment, but no sexual relations took place.

259. Doiron's escapades followed a standard pattern. A woman visiting the Department, either to sponsor a relative (when Doiron was in the sponsored immigrants section), or to apply for permanent residence (when Doiron was in the independent immigrants section), or simply to accompany friends or relatives who had business with the Department, would be approached by Doiron, who would give her his card, and ask for her telephone number. Later Doiron would telephone her and arrange a meeting. Sexual relations usually followed shortly thereafter at Doiron's apartment. In a few cases, sexual relations took place on the very day that Doiron met the woman at the Department.

260. Several witnesses, when asked why they had an intimate relationship with Doiron, replied simply that they liked him. For example:

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

Q. At the time of the interview with Mr. Doiron, which was, I see, on the 3rd of March, 1972, was there any indication that you would be seeing him socially?

A. ...

Q. Did you tell him, "I would like to see you socially" or did he say to you, "I would like to see you socially?"

A. He didn't say it, no; but I had wanted to see him.

Q. And did you say it?

A. Yes, I told him I would see him, I like him.

Q. You told him that?

A. Yes.

Q. While the interview was going on?

A. Yes.

Q. And did you tell him you were going to call him?

A. Yes.

.

[THE COMMISSIONER:]

Q. You were thinking that if you were friendly with the officer, it would help you into Canada?

A. No, I don't think so.

Q. So, what were you thinking when you were thinking of meeting with him?

A. Well, I just like him, as a, you know—I wasn't thinking of anything that he would help me to get my stay. I just like him. Could I say something?

Q. Yes.

A. Well, for a matter of fact, I didn't go with him because he asked me to go with him; I just go with him because I like him.

(E-133-4)

261. Other witnesses gave different reasons for their involvement with Doiron. Some women apparently were afraid that the Department would not deal favourably with them and thought that having sexual relations with an officer would assist their cause. For example, one woman testified in these terms:

[TRANSLATION]

A. . . . I received the papers, and I brought the papers to the officer, and the officer told me that . . . he gives me a refusal

(INT). As I was leaving, Mr. Larry called me. Mr. Larry told me I shouldn't be afraid, he said, "I'm going to arrange everything for you." He told me he spoke to the officer, and gave me his phone number. He asked me for my phone number, and I gave it to him. He told me the officer phoned him, and that he spoke to the officer. He told me he knew the officer who was going to see about it. And then, he told me he'd do everything for me. He gave me his phone number. He called to ask me to come to his house.

When I was at his house, he told me I shouldn't be afraid, he said, "I'm going to arrange everything for you." He told me to bring my passport, and then he started having relations with me.

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

Q. Sexual relations?

A. Yes.

(E-340-1)

.

Q. Were you willing to have sexual relations with him?

[A] (INT). I didn't want to, and I was crying. He put his arm around my neck, and told me not to cry, that I shouldn't be afraid, and that if I wouldn't do it, I wouldn't get my papers. And he told me that I didn't have enough intelligence to stay in Canada, and that he alone could give me those papers

(E-353)

262. In some cases, Doiron's sexual relationship with a woman was limited to one or two encounters. In other cases, the relationship extended over months or even years.

263. Most of Doiron's sexual relationships with women dealing with the Department were initiated or occurred while they had business pending with the Department. Sexual relations, or the telephone call which led to such relations, generally occurred after an application of some kind had been made to the Department but before the application was processed; in every case, the application in question was processed favourably. In some instances, the woman applicant had been assessed and accepted by Doiron before the relationship developed, but in these cases there are indications that Doiron's assessment may have been affected by his attraction to the applicant and his intention to contact her later. For example:

MR. JOSEPH R. NUSS,
Counsel for the Commission:

Q. Would this be one of the cases where you had in mind calling this girl for a date, and were distracted in your assessment?

A. I can't answer that. I can't answer that.

Q. Did you, at the time she presented herself for the interview, say: well, this is a girl that I am going to call for a date?

A. No, I don't remember thinking that. But I know it happened. I admit it happened. So, it must have been in the back of my mind.

Q. Would it be that you found her nice, and you didn't want to send her away, or refuse her, or something?

A. There was no way I wanted to refuse that girl.

Q. There was no way you wanted to refuse that girl?

A. That's right.

Q. It was a question of having her accepted at any rate?

A. That's right.

(E-754-5)

264. As part of his pattern of activities, Doiron recorded in his personal notebook the names and telephone numbers of women immigrants with whom he came in contact at the Department. He explained in his testimony that this record was useful in his Department work, but admitted that it also served his personal interests. The evidence showed that, if a meeting was not quickly agreed to, Doiron made persistent telephone calls to women listed in the notebook—at least nine women were subjected to such calls. Four of the nine eventually went to Doiron's apartment, but there refused his advances.

265. There is no evidence that refusal of Doiron's advances by a woman immigrant affected his processing of her file (if he was the processing officer). Nor is there any evidence that Doiron made threats or gave promises of favourable treatment. One can, however, easily imagine that some women thought it wiser not to refuse this officer.

266. One witness alleged that Doiron kept her passport for a time, refusing to return it, and that he asked her for fifteen dollars. These allegations were unsubstantiated, unconvincing and denied by Doiron. The witness's testimony on this point was in parts unclear and contradictory. Her knowledge of French is very limited. What may have happened is that Doiron asked for information from her passport, but she misunderstood and thought he was asking for the passport itself. As for the fifteen dollars, it seems that Doiron asked the witness to buy cigarettes for him, and she again misunderstood, thinking that he was asking for money. No other witness alleged that Doiron made requests for money; indeed, the weight of evidence indicates that he often lent money and personal possessions to the women involved with him. I accept Doiron's denial of this witness's allegations.

267. Another witness testified that Doiron asked for her passport, obtained it and never returned it to her. The R.C.M.P. seized from Doiron's apartment an extension form in the name of the witness. Doiron's explanation for having the form in his apartment is that the form was filled out and stamped in his Department office, and that he brought it to his apartment to give to the witness in exchange for a camera she had borrowed from him and refused to return. The witness, on the other hand, alleged that two separate extensions had been filled out in Doiron's apartment, a story he denies. This particular witness, in her testimony, contradicted herself a number of times, particularly

regarding the name she used in dealing with the Department (while in Montreal illegally, she lived under several names). It was established before the Commission that she lied to the Department about her name, a previous marriage, her children, and her occupation while in Canada. She entered Canada as a visitor while intending to stay permanently; she took work without a work permit; she remained in the country after a formal extension expired. She reported her passport as lost both to the Department and to the authorities in her own country, although before the Commission she claimed that Doiron had kept it. Doiron's testimony proved, in general, reliable; this witness obviously had little credibility. I accept Doiron's testimony about this incident, and do not believe that he illegally detained this witness's passport.

268. It is, however, a fact that an extension form in the name of the witness was seized by the R.C.M.P. in Doiron's apartment. The form was not signed by Doiron, but was stamped and dated March 5, 1971. The form bore the notation "Extension No. 2", but the subject of the file had already been granted (by Doiron) a second extension. It is reasonable to assume that Doiron intended to grant her a third extension if she returned his camera. A third extension is unusual, and nothing in the subject's file indicates that she would be granted it under normal circumstances. Furthermore, it is totally improper to take home official documents, or process them outside Departmental offices.

269. The same witness testified that Doiron told her she would have to sleep with another immigration officer in order to obtain immigrant status. Doiron denied this allegation. In the absence of any evidence corroborating the witness's testimony, and because she was not a credible witness, I reject her allegation.

270. One of Lawrence Doiron's friends in the Department was Georges-Etienne Desrochers. Indeed, on occasion Doiron lent Desrochers the keys to his apartment and Desrochers used the apartment to have sexual relations with women dealing with the Department. On one occasion, Doiron and Desrochers together took a woman applicant and her sister to the apartment and had sexual relations with them there.

271. It is a reasonable inference that Doiron and Desrochers were aware of each other's activities. In fact, there is some evidence that they collaborated in the handling of applications at the Department, so that each could deal with the applications of women, or the relatives of women, of particular interest. On one occasion, for example, Desrochers processed the application of the brother of one of the females seeing

Doiron. Having heard this man as a witness, I have concluded that he was granted substantially more points than one would expect. Questioned about this applicant, Doiron said:

A. . . . I did not interview him but I took his first application for residence. He was a brother of a girl that I was going out with

So, he came to the office and I took his application for residence. I gave him O.S.8. forms and a date to return to the office, a month later I believe.

Then I asked Mr. Desrochers if he would see [the applicant] and he did

I did not do the interview.

THE COMMISSIONER:

Q. Why did you ask Mr. Desrochers?

A. Because I wanted him to get through. He was the brother of a girl I was going out with.

Q. You were sure that Mr. Desrochers would get it through?

A. I wasn't sure but it was probable.

(E-817-8)

Desrochers denied Doiron's account of this incident. According to Desrochers, he processed this particular applicant because he had previously processed the applicant's sister, and the applicant was given extra points because his sister could have sponsored him. But in fact it was another immigration officer who had processed the sister's file. I accept Doiron's account of this incident.

272. Doiron, while he was in the sponsored and nominated applicants section of the Department, met socially a woman who wanted to seek permanent residence in the country. Since he could not handle her application, he arranged a meeting between her and Desrochers in his apartment. Desrochers then interviewed her at the Department, giving her sufficient points so that she obtained landed status.

273. On another occasion, Doiron, at the request of a neighbour, went to the airport to pick up a woman arriving in Canada. Doiron promptly had sexual relations with her. Later, Doiron introduced her to Desrochers, and at one point left the two of them alone in his apartment. It was Desrochers who eventually processed this witness's application for permanent residence, and on the very day of the assessment, by Desrochers's own admission, he had sexual relations with her. A reasonable inference from these circumstances is that both Doiron and Desrochers had an interest in the success of this woman's application for permanent residence.

274. How was it possible that an officer could arrange to interview a particular candidate? The system operating in the Department at the time was designed precisely to preserve the anonymity of applicants and prevent officers from singling out particular persons to interview. The files for any given day were brought out the day before and placed on a table in no particular order. An officer, when ready to interview an applicant, was supposed to take whatever file was at the end of the table. In fact, it was easy to take any file. Doiron explained it this way:

... The day that the convocations were given were about a month in advance. The day before, the files would be brought out and put on a table such as this (INDICATING) in sequence but no particular sequence but just put there.

When you finished an interview, you were supposed to go out and pick up the first file that was at the end of the desk. If you knew somebody, it was possible to pick out the file whether it was second, third or fourth, pick the file out and call the person.

(E-678-9)

This system has been changed. The distribution of files to an immigration officer is now supervised by a member of the staff, who hands out files to officers on a rotation basis. There is less chance that an officer can arrange to interview any particular candidate.

275. Doiron's extra-Department "activities" began at least as early as the summer of 1970. An investigation was launched by the R.C.M.P. at the request of the Department, following an anonymous telephone call. This call informed on a person whose status was irregular and eventually led to allegations linking Doiron to a scheme for the sale of immigration papers. These allegations were false but led to the discovery of evidence concerning his association with female applicants. Until the investigation resulting from the call was launched, the Department had no knowledge of Doiron's improper activities.

276. When Doiron was first questioned by the R.C.M.P., on July 10, 1972, he denied having done anything unethical or illegal. The R.C.M.P. also questioned various women who, as it turned out, with one exception were not involved with him. The R.C.M.P. reported to the Department, which requested further inquiries. A search warrant was executed at Doiron's apartment on November 7, 1972, and a "black book" containing the names and telephone numbers of a number of women who had dealt with the Department, together with an immigration form 700 in the name of one of these women, was seized. Eventually, in January, 1973, when questioned by the R.C.M.P., Doiron admitted his activities. Disciplinary action was initiated by the Depart-

ment against him; on April 27, 1973, he was suspended, and on June 28, 1973, he was dismissed. In my opinion, as soon as the Department uncovered Doiron's activities, it took the proper action. Certainly, Doiron's dismissal was amply justified.

C. GEORGES-ETIENNE DESROCHERS

277. Georges-Etienne Desrochers joined the Department on April 10, 1961, after having been a postal clerk for some sixteen years. From 1961 to 1965, he was posted to Dorval Airport; from 1965 until his retirement, he was in the Montreal office, in the section dealing with independent applicants. Desrochers is now in his mid-fifties, and is married with children. He retired on October 19, 1974. The first time Desrochers testified before the Commission he was still in the service of the Department.

278. Uncontested and for the most part corroborated evidence shows that Desrochers, while working in the independent applicants section of the Department, had sexual relations with four women seeking landed immigrant status in Canada. In two cases, sexual relations occurred the very same day as the applicant's assessment; in another, it was only a few days after the assessment. These incidents took place between May, 1970, and August, 1972.

279. Furthermore, on two occasions, following the filing of an application for permanent residence, Desrochers invited the applicant to meet him in the basement of the building where the Department offices are located. The women alleged that Desrochers attempted to caress them. Desrochers admits that he accompanied them down the stairs and caressed or attempted to caress them.

280. One particular incident merits closer examination. The file of the applicant in question was processed by Desrochers on May 5, 1970, when he interviewed the woman about her application for permanent residence. What ensued is best described in the witness's own words:

A. . . . on my third visit to the Immigration office, he interviewed me, and he asked me out for dinner. So, I didn't accept it.

So, he phoned me the other day, and I accepted. So, he took me for a drive in his car. So, he said: if I agreed to go to bed with him, he would see that I have my papers.

So, finally, we went to a hotel or motel, I don't know the difference, and we had relationship there.

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

Q. You had sexual relations there?

A. Yes . . .

Q. And, did you have sexual relations with him on any other occasions?

A. Yes.

Q. What were the circumstances there?

A. He came up to my apartment.

Q. Did he call you? or did you call him?

A. I called him.

Q. Why?

A. To ask him: how is my paper doing.

Q. Yes?

A. So, he said it will be okay.

So, he asked me if he could come over. So, I said: okay.

Q. And why did you accept to have him come over?

A. Because he said: if I go to bed with him, he will give me my papers.

Q. By "papers" you mean: your landed immigrant status?

A. My landed immigrant, yes.

(E-382-4)

281. This woman became pregnant. Desrochers was told, and he advised an abortion. The woman tried to get one, but unsuccessfully. The baby was born in February, 1971, and was put up for adoption. Desrochers, although admitting he had sexual intercourse with the woman, disputed her claim that he was the father of the child.

282. This witness testified that Desrochers called her in October, 1973, about inquiries that the R.C.M.P. were conducting at that time:

MR. JOSEPH R. NUSS,
Counsel for the Commission:

Q. There is one point I would like to clarify about this October 1973 conversation that you had with Mr. Desrochers.

Do you recall that conversation that you had in October, 1973?

A. . . .

Q. I would like to know everything that Mr. Desrochers told you.

A. . . .

Q. In your own words, what did he tell you?

A. . . . Concerning the cops?

Q. That's right.

A. He told me there will be some cops coming around—CRMP. That's what he said, the word.

Q. RCMP?

A. RCMP.

Q. Right.

A. Investigating about ex-Immigration officers, and all I have to say to him:

I don't know nothing about him. It is true. And we don't have to mention about the past, about the baby; because if I told, he would deny it. That's exactly what he said.

(E-417-8)

Desrochers admitted that he had spoken to the witness on the telephone in October, 1973, but claimed that it was the witness who telephoned him. He further claimed that later she again telephoned him and that subsequent to that call the two of them met. At that meeting, said Desrochers, he advised her of her right to refuse to answer questions about her child and of her right to consult a lawyer. I accept the witness's, rather than Desrocher's version of this incident. Having observed both witnesses and studied their respective testimonies, I have no doubt in my mind that the testimony of the woman is to be preferred over that of Desrochers.

283. Desrochers improperly took advantage of his position to enter into sexual relationships with women dealing with the Department and improperly assessed them because of this relationship. He disregarded both unofficial and official codes of ethics.

284. The activities of Desrochers were brought to light during the hearings of the Commission. He resigned during the hearings, and said that his premature retirement was a result of the facts uncovered during the inquiry. No doubt Desrochers sought to avoid disciplinary measures by the Department.

D. VICTORIN BELLEMARE

285. Victorin Bellemare joined the Department on June 1, 1960. He became a Special Inquiry Officer in 1962, and a module supervisor in 1972. When he gave his testimony before the Commission he was still employed in this capacity.

286. Bellemare, in his mid-forties, married with six children, was at the time of his testimony Vice-President of the Manpower and Immigration Union of the Public Service Alliance of Canada. He appeared before the Commission three times. He was questioned regarding his conduct with three applicants. I am satisfied that in two cases his behaviour was totally improper.

287. In one case, the Commission questioned Bellemare about his relationship with a woman whose special inquiry he handled on May 5, 1972. He first denied having met her other than in his official capacity:

[TRANSLATION]

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

Q. Now, you say that you never made a date with her?

A. No.

Q. Is it not true that you visited her at (an address is given)?

A. I did not visit the young lady.

(E-9543)

Then Bellemare, in cross-examination, when confronted with the testimony of the woman, changed his story:

[TRANSLATION]

A. I met her on the street, near her home. She was with someone at the time. I remember that.

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

Q. Did you go to her apartment?

A. Yes, I went back to her apartment. She invited me. She was with someone. She invited me to come in.

(E-9544)

288. The woman testified that when she went to Bellemare to ask for a work permit (following her special inquiry), he asked if he could pay her a visit, and she said yes. Some time later Bellemare came to her apartment. He came by himself. She was alone. The witness testified:

[TRANSLATION]

A. He walked into the living room, sat down, and he started—I told him—I explained briefly the situation of my inquiry to him, and he started explaining that I had nothing to worry about, and that he was sure I would get my residence.

Then he said it would be better—that he should get a bottle of liquor, that would be better. Then, I told him, “It doesn’t matter.”

He started to touch me; he kissed me; he touched my breasts; I didn’t really want that, but . . . then the doorbell rang; it was my aunt arriving. And then . . .

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

Q. What is your aunt’s name?

A. [X.]

- Q. What happened after her arrival?
- A. Well, when my aunt came in, she said hello to him, of course, and then he left. He went on his way, and that was all.
- Q. Did he indicate that he wanted to make love to you?
- A. Surely, if he started to touch me and kiss me it's because he wanted to make love.

(E-9618-9)

The woman's aunt corroborated that he was there. She knew that the man she saw in her niece's apartment was Bellemare, for she had met him twice before when she was at the Department helping others who had business there. The aunt testified that Bellemare recognized her and addressed her by name.

289. This woman testified that Bellemare visited her a second time. She telephoned him with an immigration query; he told her that it would be best if he met her privately to discuss the matter.

[TRANSLATION]

[MR. JOSEPH R. NUSS,
Counsel for the Commission.]

- Q. Where did you meet him?
- A. I met him—I had been shopping with Mr. [X] and then while I was getting out of the car, I saw him on the corner of the street, in another car, with a gentleman. And then, he saw me. He told the man he wanted to leave, because he had found the person he wanted. He left.
- The gentleman left, then he. I went into the house with him.
- Q. With Mr. [X]?
- A. With Mr. [X].

.

- Q. What happened in the house?
- A. As he'd told me it was preferable for him to come to my house to explain my case to me, when he came in, he saw Mr. [X], who had come in at the same time, when he arrived, he told me not to worry, and that I would get my residence.
- And then Mr. [X] also asked about his own status.
- He started talking about something else, and that was all.
- Q. Had you told Mr. Bellemare that Mr. [X] would be with you that evening?
- A. No.

(E-9620-1)

290. Bellemare denied the first visit alleged by the woman (see paragraph 288), but admitted seeing the woman on the second occasion

described by her. However, he claimed that the second meeting was accidental; he alleged that he was going to visit his daughter when he happened to meet the woman on the street. I conclude that the woman's account of what transpired is accurate.

291. Bellemare was questioned about any relationship he might have had with another woman who had dealings with the Department:

[TRANSLATION]

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

- Q. Did you telephone Miss [X] to invite her out for coffee?
- A. . . . I don't remember.
- Q. Did you ask other women who had dealings with the Department of Immigration to go out for coffee with you?
- A. No.
- Q. How is it, then that you don't remember whether you'd asked her to go out with you for coffee?
- A. . . . because I don't remember at all.
- Q. Did you call her residence, the place where she was working as a domestic for Mrs. [Y] on [Z] street?
- A. I don't remember.
- Q. Do you remember a Christmas card you received from Miss [X]?
- A. I don't remember. I know that during the holidays you receive cards from various people. I don't remember.
- Q. Is it true that after receiving a Christmas card, you called her residence and spoke to Mrs. [Y], her employer?
- A. It's possible. I don't remember, but it's possible.
- Q. Isn't it true that the day after that phone call, she called you back, and that was when you asked her out for coffee?
- A. I don't remember.
-
- Q. Isn't it true that on another occasion you tried to meet her at the home of Mrs. [Y] to go out with her?
- A. I don't remember having called her.

(E-9563-5)

292. Following this testimony by Bellemare, the woman herself was questioned by the Commission. She testified that three or four days after her special inquiry, Bellemare telephoned her and asked her to have coffee with him at a restaurant on St. Catherine Street. When asked why she accepted the invitation, she replied, "[TRANSLATION] because I was afraid he'd do something with my papers if I didn't accept" (E-9602).

Commission counsel asked the witness what happened after Bellemare took her to the restaurant:

[TRANSLATION]

A. (Int). He offered me a glass of liquor, then he took me to a hotel—I don't know where it was located—until about two o'clock (2:00) in the morning.

[MR. JOSEPH R. NUSS,
Counsel for the Commission.]

Q. Sexual relations took place at the hotel?

A. (Int). Yes.

(E-9602)

The witness testified that Bellemare telephoned her on two subsequent occasions. She was out both times, but returned the calls. Bellemare invited her for "coffee" again, but she refused.

293. I have no hesitation in accepting the woman's evidence, rather than that of Bellemare. Her testimony was specific and rang true; Bellemare retreated to the haven of the defeated witness—loss of memory.

294. The story of Bellemare and this woman did not end with their testimonies before the Commission. The Commission learned at the end of 1974 that the subject of the file, after having given her testimony, was telephoned by the director of an immigrants' cultural and social organization subsidized by the federal government. The director is himself an immigrant who at one time had gone to special inquiry before Bellemare. He testified:

[TRANSLATION]

. . . Mr. Bellemare said to me: "There's a girl, I think she's Spanish, who filed a complaint against me at the Immigration. He said: "The name?"—I said: "If I know her name. I can tell you if she's a Latin American or a Spaniard." He told me it was [X].—I said: "Oh yes, [X], that is a Latin-American or Spanish name."

You see how it was.

He said to me: "I wonder if you could ask her why she made a complaint against me."—I said: "I'm not sure, but I'll try my best to see if . . ." because it's not hard for me, I'm very well known in the Spanish-speaking community, here, in Montreal.

(E-13531-2)

The director then telephoned the subject of the file and asked to meet her. The interview took place a few days later. The woman assured him that she did not need his advice or help, and he thereupon let the matter

drop. Bellemare's version of this incident, not surprisingly, was somewhat different:

[TRANSLATION]

"... What opinion or behaviour—not 'behaviour'—opinion or attitude do the Spanish people in your group have towards immigration officers?" He said: "A very good one."—I said: "Perhaps not all of them, because there's a girl who has lodged a complaint against me . . ."

That's what I said to him at the time. He said: "I'm not aware of that; I've heard nothing about it."

Then he said: "I want to have the name, I'd like to have the name in order to know whether or not she belongs to our group." I gave him [X]'s name.

I said: "I can't understand why the complaint was made."

After that, I don't remember having any other conversations. We parted. He said: "In any case, if I hear anything, I'll let you know." And that was the end of it; I've never had any news since.

(E-13593)

Bellemare denied having in any way asked the director to intervene on his behalf with the witness. But to me it is evident that Bellemare wanted to exert pressure on the witness. Bellemare, in this incident, acted in a reprehensible manner. Apart from anything else, he knowingly contravened the order of the Commission forbidding the divulging of information leading to the identification of witnesses (see paragraph 14).

295. I place little store by a good part of Bellemare's testimony. He was hardly a credible witness. Despite his denials and evasions, I have concluded that Victorin Bellemare had sexual relations with at least one woman who had dealings with the Department. This woman, at the time, had not yet obtained landed immigrant status. I further conclude that Bellemare, on another occasion, visited another woman who had dealings with the Department, for personal reasons. At the time in question, this woman also had not received landed immigrant status. Although there is nothing to indicate that Bellemare's relationship with these women influenced the manner in which their cases were treated by the Department, Bellemare's conduct contravened the standards of conduct for a public servant. I recommend that the Department take disciplinary action against Bellemare.

E. BRIAN PURDON

296. Brian Purdon left a teaching career and joined the Department on November 6, 1967, at which time he was posted to Phillipsburg,

Quebec. In June of 1973 he was suspended from the Department, and was dismissed in October of that year.

297. During his career with the Department, Purdon held a number of senior positions. In 1969 he was a senior examining officer; in 1971 he became Acting Chief of Operations; in 1972 he was supervisor of the applicants in Canada section; from September, 1972, he was, first, a module supervisor, and then supervisor of module supervisors. All the indications were that Purdon would eventually rise to a post of command in the Department.

298. Purdon was thirty-two years old when he testified before the Commission. Purdon is now self-employed. He was single at the time of his testimony but was married shortly thereafter.

299. The Commission's major concern, in respect of Purdon, was his alleged preparation of a list of immigrants for S.M. Byer, as indicated in paragraph (c) of the Privy Council Order. I deal with this important matter in paragraphs 325 to 332. In this part of my report I will deal only with Purdon's relationship with the subject of one of the files mentioned in paragraph (a) of the Privy Council Order. There is no evidence that Purdon had anything except a professional relationship with anyone other than this one woman seeking landed immigrant status.

300. The woman in question had entered Canada and had been employed in Montreal for some time when she decided to apply for landed immigrant status, and was told that she would have to go back to the United States, where she was formerly resident, and then re-enter Canada. This she did, in August, 1969. When she re-entered Canada, she was assessed by Purdon. In September, 1969, Purdon telephoned her, they went out together, and they began a serious relationship which lasted about a year. At one point marriage was contemplated.

301. This woman obtained her landed immigrant status in January, 1970. In November, 1970, she sponsored her son and mother. By this time, her relationship with Purdon was over, although he filled in the necessary forms for her (the applications were processed by another immigration officer).

302. This part of the Purdon story is entirely unlike the stories of Doiron, Desrochers and Bellemare. Purdon had a romantic relationship with one woman. There is no evidence that she or her relatives benefited from any "favours". The relationship was never concealed; Purdon and the woman attended social events together, and people working in the Department knew of the involvement.

303. Purdon should not have commenced a relationship with a woman who had dealings with the Department while her application was pending. By doing so, he infringed the recognized standard of conduct for public servants. Because of his position of authority, Purdon's actions were particularly unfortunate; he might well have jeopardized his ability to enforce his subordinates' adherence to the appropriate guidelines. Purdon's conduct here would not have merited his dismissal, but some disciplinary measure, limited perhaps to a reprimand, might have been in order.

F. GASTON THERRIEN

304. Gaston Therrien joined the Department on January 22, 1968. Before that, he had worked for the Post Office. From May, 1969, until April, 1972, Therrien was assigned to Dorval International Airport as a Special Inquiry Officer. Apart from that period, he has been at the Immigration District Office in Montreal, first in the investigation section, and then as a Special Inquiry Officer. At the time of his testimony before the Commission, Therrien was thirty-four years old. He appeared before the Commission three times.

305. Doiron informed the R.C.M.P. that he had been told by a woman immigrant with whom he was sexually involved that Therrien had been seen leaving the apartment of another woman immigrant. The woman immigrant allegedly involved with Therrien testified that she had met him at Dorval Airport at the time of her special inquiry, when he ordered her deported. Later she was required to go at regular intervals to Dorval to report to the immigration authorities. On two such visits she spoke with Therrien. On the first occasion, according to the witness, Therrien said that he loved her. Later he suggested that she rent a room where he could visit her and told her that he would help pay the rent. The witness did indeed rent a room, and gave Therrien the address. Some time later, he came to visit. The witness testified that Therrien stayed for a short time only, and made no sexual advances. She testified that a few months later she saw Therrien again, this time at her new address. He was accompanied by another immigration officer and was acting in the course of an investigation. She testified that on that second occasion, after the two officers had left, Therrien returned alone and asked to come into her apartment. She refused to let him in, and he never came back.

306. When he first appeared before the Commission, Therrien denied emphatically ever having made or received any offer from any woman immigrant, or ever having had any personal relationship with a woman immigrant. During his second appearance before the Commission, he specifically denied having made the first visit (alone) to the woman's apartment, and denied having suggested that she rent an apartment. He persisted in his denial even after having been shown the witness's testimony. He freely admitted having visited the woman with another officer in the course of an investigation, but claimed to remember nothing of returning alone to the woman's apartment immediately following that official visit.

307. When Therrien appeared for the third time before the Commission, and was interrogated in the presence of the woman immigrant and another person who had testified in connection with the alleged incidents, he ceased his denials and said only that he remembered nothing:

[TRANSLATION]

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

- Q. After having seen and heard her, do you still say that this incident did not occur?
- A. I'm not saying it didn't occur, but . . . I don't remember it.

(E-15837)

He insisted that he did not want to perjure himself:

[TRANSLATION]

- A. . . . I want to avoid perjurying myself.
- Q. I understand. But what we're looking for is the truth. That's why we want to know exactly what you remember about these events.
If you say you remember nothing . . .
- A. I remember nothing, but it could be.

(E-15839)

308. Three other persons gave evidence concerning the alleged first visit by Therrien to the woman immigrant's apartment. Two of these witnesses were living in the same apartment building as the woman immigrant, on lower floors, at the time the visit was supposed to have taken place. One was told one day by the woman that she was expecting an immigration officer to visit her that day. This witness quickly told the story to a visiting friend. A man then arrived above, and the two women went upstairs, listened at the door and heard some

noise, and knocked; there was no reply. They went back downstairs, but a moment later the woman visiting, presumably consumed by curiosity, returned upstairs and waited by the stairs in the hope of catching a glimpse of the mysterious man. After a short wait, according to her testimony, she saw and spoke to the person who came out of the apartment. She was later told by her friend that this person was Immigration Officer Gaston Therrien. (It was this woman—the visitor to the apartment building—who told Doiron of the incident, and it was Doiron who eventually reported it to the R.C.M.P.)

309. Of the two versions of events—that of Therrien and that of the woman immigrant and her friend—I prefer the latter. The woman's evidence regarding the first visit is corroborated by an independent witness who had no reason not to tell the truth. I believe that the woman who spoke of Therrien's visit to her told the truth as to the occurrence of the visit. Therrien's evidence—in which he first denied all allegations and later claimed loss of memory—is unconvincing.

310. What can be said of Therrien's conduct? At the time of the various incidents, he had already, as a Special Inquiry Officer, decided the woman's case and ordered her deported. There is nothing in the file to indicate that he improperly intervened at any point. (The woman appealed her deportation to the Immigration Appeal Board which dismissed her appeal but ordered that she be given landed immigrant status.) According to the evidence the encounter was casual and brief. And yet Therrien's actions show serious lack of judgment.

311. At the time of Commission hearing, Therrien was still in the employ of the Department. The facts uncovered by the Commission indicate some form of disciplinary action against Therrien, short of dismissal.

G. RENÉ PRIMEAU

312. René Primeau joined the Department on May 12, 1969. He was initially employed as an examining officer at Dorval International Airport and was later assigned to the Admission Division (marine section) as an examining officer. Primeau is in his mid-fifties. He is married, but lives separately from his wife.

313. On April 18, 1972, in the ordinary course of events and while Primeau was temporarily working at Alexis Nihon Plaza, he interviewed a prospective immigrant wishing to file a notice of intent for permanent

residence. May 17, 1972, was set as the date for this woman's assessment interview. She duly appeared for the interview—to be given by another immigration officer (not Primeau)—on that date, but because some necessary documents were missing, assessment was postponed to June 9, 1972. She was favourably assessed on June 9, and after the usual formalities were complete, obtained landed immigrant status later in the year.

314. Primeau's second encounter with the subject of this file was when she came for an interview on May 17. He met her by accident in the Department offices, and invited her to join him for coffee. They subsequently met socially twice before the rescheduled June 9 assessment interview. At one of those meetings the forthcoming interview was discussed. Primeau testified:

[TRANSLATION]

- A. . . . She simply said to me: "I have an appointment for June ninth (9). She said: "Well, what should I do?"—I said: "It's very simple, you have to answer the questions put to you, that's all. Answer the questions put to you to the best of your knowledge."

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

- Q. I suppose she asked you: "What questions are they going to ask me?"
A. We didn't go into details.
Q. In general?
A. If we did talk about it, it was in a very vague way. I can't exactly specify the questions, I mean, what we discussed.
Q. Did you tell her how the point system worked?
A. I didn't explain how the point system worked, all I did was ask her a few questions. I said: "You have nothing to worry about, I think you'll be successful."

(E-16282)

Later, in July or August, 1972, the subject of the file moved into Primeau's apartment, and has lived there ever since. Primeau and the woman appear to have a stable and serious relationship; they told the Commission that they were very happy together. Primeau testified: "We came to be—to love each other, and it is still true, and now, I am very happy it happened, and that's it" (E-16334).

315. In front of the Commission, both Primeau and the subject of the file were frank and co-operative, and I accept their evidence in every respect. I am quite sure that Primeau did nothing to help the woman

gain permanent residence in Canada. Primeau had nothing to do with the processing of the file, and did not attempt to interfere with its normal handling. In a way, he is to be complimented for his restraint in this respect, for the temptation to interfere must have been very real.

316. But the question remains: was Primeau's behaviour acceptable? I earlier drew attention to the standards of conduct for an immigration officer (paragraphs 240-245). Seen in the light of these standards, Primeau behaved improperly. The woman moved in with him before she became a landed immigrant. Primeau was an immigration officer. Some might have thought, or think, that the woman hoped to benefit, and did benefit, by cultivating this relationship. Primeau might have become subject to pressure of a serious kind had the subject subsequently been refused landed immigrant status. He might well have been prompted to take positive and improper action to protect a woman he apparently loved. The standards of conduct to which I have just referred are designed to prevent conflicts of interest of this kind arising, and for that reason are justified.

317. I conclude that René Primeau should be subject to some light disciplinary measure, perhaps a reprimand. The precise sanction to be applied is not for me to decide, but it is clearly relevant that the incident in question was an isolated incident in the career of Primeau, that he did not attempt to interfere with the processing of the file in question, that his relationship with the immigrant woman was and is far from frivolous, and that both Primeau and the subject of the file co-operated fully with the Commission.

H. OTHER IMMIGRATION OFFICERS

318. Rumours had it that immigration officers other than the ones I have already discussed were involved in intimate relationships with women dealing with the Department. I decided that it was necessary to investigate these rumours. As Lord Denning said in his 1963 report to the British Prime Minister on the so-called Profumo Affair (Cmnd. 2152):

If . . . rumours were affecting the honour and integrity of public life in this country, and were unfounded, I felt it my duty to inquire into them and show them to be so. Whereas if they were well-founded, and affected our [public life], the truth should not be hidden. Only in this way could the confidence of the public be restored.

(paragraph 292)

And, indeed, paragraphs (d) and (e) of the Privy Council Order establishing the Commission appeared to require me to investigate the rumours to which I have referred. Caution was, however, in order. Again to quote Lord Denning:

I have deliberately refrained from setting out suspicions which fall short of evidence . . . for if I were to do so, it seems to me that my Inquiry would be turned into a witch-hunt. . . . I feel that such an inquiry into private lives would be repugnant to the great majority of our people.

(paragraph 298)

319. As early as 1967, it was rumoured in the Department's Montreal office that a few immigration officers were going out with women having dealings with the Department. Doiron, Desrochers, Purdon, and other immigration officers giving evidence before the Commission all testified to the existence of such a rumour. Doiron, in his testimony, named officers who were said to be involved in this practice, although he, Doiron, had no knowledge whether the stories were true or false. Doiron testified that some officers had admitted their participation directly to him, although, again, he did not know whether they were telling the truth. Desrochers and Purdon agreed that rumours existed, but did not name any particular officers.

320. All the officers named by Doiron in his testimony before the Commission flatly denied before the Commission that they had had sexual relations with women dealing with the Department. One of the officers who denied the allegations was Bellemare; in his case, later evidence showed that in fact he had had such relations (see paragraphs 285-295). Only where there is first hand evidence of impropriety on the part of officers have I, in this report, dealt with their cases in detail. Otherwise, in the interests of fairness, the matter is best closed and forgotten.

I. CONCLUSIONS CONCERNING THE SEXUAL RELATIONSHIPS BETWEEN IMMIGRANTS AND OFFICERS

321. The overwhelming majority of officers who make up the Montreal office of the Department are innocent of any wrongdoing. Evidence taken by the Commission revealed some sexual relationships between immigrants and immigration officers; the precise extent of these relationships is summarized in paragraphs 249 to 253. Such conduct by officers cannot be condoned, in light of the standard rightfully applicable to their activities (see paragraphs 240-245). But it must be stressed that only a handful of officers was involved. Only three—Doiron,

Desrochers and Bellemare—behaved in what I would term a reprehensible manner, sufficient to bring the Department into disrepute, raise the spectre of blackmail, and usually merit immediate dismissal upon discovery. Three others—Purdon, Therrien and Primeau—behaved imprudently; they infringed the recognized standard of conduct and deserve appropriate disciplinary action.

322. The immigration officers who were involved seized opportunities presented by their employment to pursue private and in most cases questionable ambitions. They placed themselves in a classic conflict-of-interest position. On the one hand, they had their responsibilities as employees of the Department, responsibilities requiring impartiality and integrity. On the other hand, because of the relationship they developed with some women, they might have felt obliged, either because of feelings of sympathy or from fear of being denounced, to deal favourably with their cases.

323. I am satisfied that the Department had no knowledge of this conduct before it was uncovered by the R.C.M.P.'s investigation into Doiron's activities. Could the Department have become aware earlier of what was happening? Given that none of the women came forward, and given the apparent indifference of both the employees of the Department and the ethnic groups, the answer has to be no. The Department could only have discovered these improper activities if it spied upon or used other unacceptable means to inquire into and observe the private lives of its employees.

324. I am also satisfied that the standard of conduct which should prevail for public servants is that set out in the 1973 "Guidelines" (see paragraph 243). I repeat that although this particular text came into force after the period investigated by the Commission, it indicates standards of conduct which one would in any event expect from a civil servant. It would help promote awareness of and adherence to the Code of Conduct if it were printed separately and issued to each officer at the start of his service.

III. PARAGRAPH (c): THE "PURDON LIST"

325. Since there was no employee misconduct with respect to paragraph (b) files, I now turn to consider paragraph (c) of the Order in

Council requiring me to investigate and report on “the preparation of a list of immigrants by Immigration Officer Bryan Purdon [sic] for . . . S. M. Byer. . . .”

326. In 1972 Purdon (paragraphs 296-298), who held the rank of supervisor, apparently became dissatisfied with the objectives and management of the Department. Before the Commission, he described how he viewed the situation in the Department’s Montreal office during the summer of 1972:

- A. The place was a mess. The number of applications for permanent residence in Canada had tripled and I do say tripled, we had no seats for the people to sit on and we did not have the staff and the place was a mess

Actually, it was eight o’clock quite often when the office would be full and running around and trying to get people to do the work and we did not have the staff.

And also there was this Minister’s statement of June the 23rd saying, for example, people who had become established in Canada, would be accepted under the relaxed norms, a sort of amnesty: where many cases had been refused . . . Well, most of the cases had been refused in May or June, were later accepted in Project 80.

In other words, it could be that if a person was refused on the 22nd of June and accepted on the 1st of July.

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

- Q. Under Project 80?

- A. Under Project 80.

I guess I must have made my feelings felt because I was wondering what the hell we were doing there. I wasn’t the only one. Most of the officers were wondering what the hell they were doing there.

- Q. Well, would you explain that a little bit more?

- A. We were examining people and taking an hour and a half, two hours to examine these people and to quite often fill out their OS8 forms, trying to find out if the documents were valid or not or authentic, we would try to examine properly and then all of a sudden they say: accept this case, accept this case.

In other words, if they had between forty (40) and fifty (50) units accept them and if they have less than forty (40) it is a good idea to accept them.

In other words, somebody figured that we had so many applications and a good way of getting rid of them would be to accept most of them.

In other words, accept most of them and refuse just very, very poor cases. So, I, as supervisor, tried to motivate these employees who were doing a damn good job and this was in the summer; some of them were

working hard and they had files and files were piling up, and everything and everybody was behind.

The place was actually a mess, I think.

(E-2760-2)

327. At this time, Purdon met Byer, who was then representing a number of people before the Department. Byer asked Purdon to go to work for him as an immigration consultant at a salary of \$400 a week. Subsequently, the two met twice to discuss the proposition further. During these discussions, it was agreed between Purdon and Byer that Purdon would provide Byer with a list of immigrants who would be prospective customers of counselling services and could be solicited by Byer. This list would be made up of the names and addresses of persons who had filed their intent to apply for permanent residence in Canada (Form 1103) and whose interviews had yet to take place.

328. Notices of intent to apply were given, as they came in, to a clerk responsible for their proper filing. One day, Purdon, by his own admission, simply picked up a number of these notices from the clerk's desk and copied the names and addresses. The resulting list contained eighteen or twenty names. Purdon explained how Byer obtained this list:

- A. . . . he came to my desk and he sat down and I think he mentioned the names and something and they were under a file and there was sort of a . . . what do you call them?

MR. JOSEPH R. NUSS,
Counsel for the Commission:

- Q. A blotter?

- A. Yes, a blotter in the corner.

And I left my desk and when I came back, he was gone and he knew the names were there that I was going to use.

THE COMMISSIONER:

- Q. The names you had taken down?

- A. Yes, the names I had taken down and when I came back to my desk, he was gone, so were the names.

(E-2783)

329. Almost immediately after Byer obtained the list, Purdon became apprehensive, and telephoned him to say that he would not come to work for him, and asked him to destroy the list. Purdon testified that Byer agreed to destroy the list.

330. The Commission's inquiry revealed that at about this time a number of persons who had filed notices of intent and were awaiting interviews received letters of solicitation from Immigration Visa Services

of Canada, the firm in which Byer was the principal participant. The letter received was one that Immigration Visa Services was sending out in large quantities at that time, and it was signed by a secretary at that firm. (It is reproduced in paragraph 199.) A number of persons who received this letter, believing it to be an official letter of some kind, phoned or went to the offices of Immigration Visa Services.

331. The preparation of the "Purdon list" was discovered in the course of an investigation of Byer's dealings with the Department, an investigation which led to his arrest on April 16, 1973 (see paragraph 2). Purdon was suspended by the Department on June 26, 1973, and was later dismissed. He told the Commission that he knew that giving Byer the list was illegal.

332. There is nothing to excuse Purdon's conduct in this matter. He forsook his responsibilities as a public servant in order to try to secure personal benefit. The Department was entirely justified in dismissing Purdon. However, it must be said that Purdon exhibited some fine qualities, and had it not been for this incident, he might have enjoyed a highly successful career with the Department.

V. CONCLUSIONS TO CHAPTER FOUR

333. A public servant must not behave so as to give rise to a reasonable belief that he has been improperly influenced in the performance of his duties, or that he has in any other way deviated from the appropriate standard of conduct. The standard of conduct for immigration officers was well known and non-controversial (see paragraphs 240-245). The Commission's investigation revealed that some officers had had intimate relations with women who at the time had business with the Department; these relationships on occasion affected the manner in which a file was processed. Evidence showed that one officer revealed the names and addresses of some applicants for permanent residence to an outsider who hoped to profit from this information. These officers were guilty of misconduct. Their actions have in some measure brought the Department into disrepute (suspicions about their conduct was one reason for the creation of this Commission of Inquiry). They became personally vulnerable to blackmail. Although but a few were involved they caused doubt to be cast upon the integrity of the immigration process.

PART FIVE

The Inquiries Act

Other Aspects of the Inquiry

I. THE INQUIRIES ACT

334. The powers of a commissioner appointed under Part II of the *Inquiries Act*, R.S.C. 1970, Ch. I-13, are quite limited; on occasion, these limitations created some difficulties for the Commission.

335. One of the most striking restrictions on a Part II commissioner is the absence of a contempt power. Section 10(1) of the *Act* reads as follows:

- (I) Every person who
 - (a) being required to attend in the manner provided in this Part, fails, without valid excuse, to attend accordingly,
 - (b) being commanded to produce any document, book or paper, in his possession or under his control, fails to produce the same,
 - (c) refuses to be sworn or to affirm, as the case may be, or
 - (d) refuses to answer any proper question put to him by a commissioner, or other person as aforesaid, is liable, on summary conviction before any police or stipendiary magistrate, or judge of a superior or county court, having jurisdiction in the county or district in which such person resides, or in which the place is situated at which he was so required to attend, to a penalty not exceeding four hundred dollars.

This section only permits a commissioner to refer alleged infractions to the Attorney General for prosecution. Former Quebec Chief Justice Frédéric Dorion noted in *Enquête Publique Spéciale 1974: Rapport du Commissaire L'Honorable Frédéric Dorion* (June, 1965: an inquiry into the so-called Rivard affair) the embarrassing position in this respect of a judge who presides over a commission of inquiry:

[TRANSLATION]

He is not permitted to decide that contempt of court has been committed, whether in his presence or outside his presence. This absence of powers, as

I have often had occasion to appreciate, leads to embarrassing situations for the judge, and impedes the normal course of the inquiry.

(p. 138)

Mr. Justice Wishart Spence, in *Report of the Commission of Inquiry into Matters relating to One Gerda Munsinger*, commented on the contempt problem in these terms:

As to contempt, or to be more accurate, words and conduct which, had I been sitting in court, would most certainly have been contempt, occurring outside my presence, I have mixed views. However unpleasant a Commissioner may find such developments, he must remember he is not a "court". Criticism of not only the Commissioner's findings but of his method of arriving at them should not be curbed . . .

(pp. 81-88)

While I fully agree with the remarks of Mr. Justice Spence concerning contempt committed outside the presence of a judge acting as commissioner, I endorse Chief Justice Dorion's observation about contempt committed in the face of a commission. There were occasions in this inquiry when I felt that more extended powers might have helped me in the discharge of my duties. For example, at least two witnesses failed to attend upon service of a subpœna. One witness refused on several occasions to answer questions put to him by Commission counsel. Three newspapers—*The Montreal Star*, *Le Devoir* and *La Presse*—on at least one occasion failed to respect my order forbidding any person "to in any way disclose . . . the name . . . of a witness" (see paragraph 14). When subpœnas were not respected or a witness refused to answer questions, I could only refer the matter to the Attorney General of Canada's representative in Montreal, and did so. When the press refused to obey the order regarding publicity, I had no power to enforce the order or seek punishment for its contravention. I said:

[TRANSLATION]

Under the circumstances, though with great reluctance on my part, I must ask the members of the press to withdraw if they are unable to give me the assurance that they themselves and their newspapers will undertake to comply with the order.

(E-10802)

The members of the press felt unable to give me the assurance I requested, told me their position frankly, and honourably withdrew.

336. It is instructive to compare "contempt" powers granted to a Part II commissioner, with the powers granted to Special Inquiry Officers under the *Immigration Act*, R.S.C. 1970, Ch. I-2. Section 11(3) of the

Immigration Act gives Special Inquiry Officers “all the powers and authority of a commissioner appointed under Part I of the *Inquiries Act*” Section 5 of the *Inquiries Act* gives Part I commissioners “the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases,” powers substantially in excess of those given Part II commissioners by s. 10 of the same *Act*. In my opinion, it is illogical to give greater powers to a Special Inquiry Officer than those granted a commissioner investigating immigration matters.

337. Provincial commissions of inquiry appear to have significantly greater powers than federal Part II inquiries. In Ontario, for example, s. 2 of the *Public Inquiries Act*, R.S.O. 1970, c. 379, gives a commissioner “the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.” In Quebec, the *Public Inquiry Commission Act*, R.S.Q. 1964, c. 11, reads in part:

10. Any person on whom any summons has been served, in person or by leaving a copy thereof at his usual residence, who fails to appear before the commissioners, at the time and place specified therein, may be proceeded against by the commissioners in the same manner as if he had failed to obey any subpoena or any process lawfully issued from a court of justice.

11. Any person refusing to be sworn when duly required, or omitting or refusing, without just cause, sufficiently to answer any question that may be lawfully put to him, or to render any testimony in virtue of this act, shall be deemed to be in contempt of court and shall be punished accordingly. . . .

12. If any person refuses to produce, before the commissioners, any paper, book, deed or writing in his possession or under his control which they deem necessary to be produced, or if any person be guilty of contempt of the commissioners or of their office, the commissioners may proceed for such contempt in the same manner as any court or judge under like circumstances.

338. The Commission had no power to grant immunity from prosecution or deportation to any witness liable to prosecution or deportation. The question of immunity was raised in the testimony of Mr. Leroy Butcher, who is director of the Côte des Neiges Black Community Development Project (E-1725 to E-1747), and in remarks by Mr. Robert H. Dolman, appearing as counsel. It was suggested by Butcher and Dolman that immigrant witnesses did not want to testify before the Commission for fear that their testimony might bring facts to light—for example, illegal entry into Canada—which could cause the Minister of Manpower and Immigration to change their status. Butcher said that in the absence of some form of immunity he could not recommend to immigrants that they appear before the Commission.

339. There is no power given by law which enabled me, as Commissioner, to grant witnesses the kind of "immunity" referred to by Butcher. Nor am I aware of any means whereby anybody could have granted immunity to persons appearing before the Commission. However, although the question of immunity is not a matter for me acting as a Commissioner, nonetheless I consider that, since strong representations were made on the subject, it is a matter on which I should comment.

340. Quite apart from the legal position, there are sound policy reasons for not granting immunity—whatever the source of such a grant—to witnesses before a commission of inquiry. Any testimony given under the protection of such immunity would be suspect. The question in the mind of the commission would be, "Is the witness telling the truth, or is he lying in order to secure immunity?" The question in the mind of the public would be, "Was the witness's testimony the truth, or was there a deal between the commission and the witness?" It can, of course, be said in favour of immunity that a grant of immunity would encourage witnesses to tell the truth in those instances where the truth is unfavourable to them and might in the absence of immunity lead to prosecution and deportation. These policy considerations for and against immunity have to be weighed; in my opinion, the considerations against immunity should prevail. In any event, the matter is academic, for as I have observed, I, at any rate, had no power to grant immunity to witnesses.

341. Witnesses, of course, had available to them the protection of s.5(2) of the *Canada Evidence Act*, R.S.C. 1970, Ch. E-10. That section reads:

Where with respect to any question a witness objects to answer upon the ground that his answer may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person, and if but for this act, or the Act of any provincial legislature, the witness would therefore have been excused from answering such questions, then although the witness is by reason of this Act, or by reason of such provincial Act, compelled to answer, the answer so given shall not be used or receivable in evidence against him in any criminal trial, or other criminal proceeding against him thereafter taking place, other than a prosecution for perjury in the giving of such evidence.

The section makes clear that its protection must be invoked by the witness himself; if the witness does not do so, then his answers are to be considered voluntary and may be used against him in subsequent proceedings (see, for example, Osler, J.A., in *R. v. Clark* (1902) 5 C.C.C. 235). It should be noted that no duty is imposed on anyone to caution a witness to whom a criminating question is put, or to explain to him

his s.5 rights (see *R. v. Denmark* (1939) 3 D.L.R. 386). On occasion, in hearings before the Commission, counsel for a witness or Commission counsel would advise the witness to ask for s.5 protection, and occasionally I myself felt it necessary to acquaint a witness with the existence of the section.

342. In the context of commissions of inquiry such as mine, the protection afforded by s.5(2) of the *Canada Evidence Act* is insufficient. It offers no protection against statutory offences or other proceedings detrimental to the witness's interests—for example, deportation under the *Immigration Act*. Nor is there any protection for what is said in the pre-hearing examination of witnesses. Finally, I consider that commissioners should be required to bring s.5 to a witness's attention, rather than relying on him to invoke its protection.

343. One witness—S. M. Byer—refused to answer one question put to him on the ground of self-incrimination. Counsel asked:

Did you, during a meeting with Mr. Patenaude on April the 16th, 1973 discuss the matter of lists of immigrants being supplied to you by Mr. Purdon or having been supplied to you by Mr. Purdon?

(E-9227)

At the time of the hearings, Byer was awaiting trial on criminal charges, and argued before me that this question related to these charges and that he had, according to the jurisprudence, a right not to answer. Commission counsel argued that the question asked did not go to the commission of the offences set out in the indictment laid against Byer. Counsel also submitted that in any event any answer given by Byer could not be used by the Crown since Byer had asked for and had been given the protection of the *Canada Evidence Act*. I considered that these submissions raised a matter of substantial importance. After due consideration, I made a ruling ordering the witness to answer counsel's question. The full text of my reasons for this ruling is reproduced in Appendix 18; it is also to be found in 22 C.C.C. (2d) 176. I decided that the question did not go to substantiating the charge for which Byer was awaiting trial. I decided also that "even if I had concluded that the question put to the witness was directly related to the criminal offence he is charged with . . . I would still require the witness to answer the question" (E-10676). The compellability of a witness is determined with respect to the particular proceedings at hand, and not some other proceedings that may be pending. And, in any event, the witness was protected by s.5 of the *Canada Evidence Act*. Following

my decision, Byer continued to refuse to answer the original question put to him by Commission counsel, and in addition refused to answer a number of related questions.

344. There exists a significant limitation on the subpœna power of a Part II commission of inquiry. Section 8(1) of the *Inquiries Act* permits a commissioner to issue a subpœna to any person and to require that person to bring with him relevant documents, books or papers that he has in his possession or under his control. Section 11(3) extends the power to issue subpœnas to counsel, experts, etc., employed by the commission when those persons are authorized by Order in Council to issue subpœnas. Section 7 permits a commissioner to enter “any public office or institution” and examine documents therein. However, the *Act* does not empower commissioners or their staff to seize documents or objects. It does not, naturally, permit entry into private premises.

345. The subpœna served on the witness S. M. Byer ordered him to bring with him to the hearings, among other things, files relating to persons for whom he had acted before the Department. Byer refused to produce these files, invoking the principle of privileged communication between solicitor and client. On the same ground, he refused to give even the names of those he had represented. The then Bâtonnier, Mr. Michel Robert, representing the Bar of the Province of Quebec, made submissions to the Commission on this issue. The Bâtonnier argued that the principle of privileged communication was found both in article 308 of the Quebec *Code of Civil Procedure* and the English common law. He argued that the file of a solicitor’s client was privileged under this principle. As to the names of persons represented by Byer before the Department, the Bâtonnier argued:

[TRANSLATION]

Giving the name of these clients in these areas is tantamount to giving the purpose of the legal consultations sought by these clients. This is equivalent to revealing far more than a client’s name. In this way, innocent people, who had the absolute right to the secrecy of any confidences they had entrusted to a lawyer, would be named at an inquiry and would see the purpose of their legal consultations revealed publicly.

(E-9063)

The Bâtonnier stressed that the purpose of privilege was to protect the client and not the lawyer, and noted as an exception to the principle that the client can waive the privilege explicitly or implicitly, although in the Bâtonnier’s view such waiver should be given to the solicitor

himself. Commission Counsel Nuss, in reply to the Bâtonnier's submissions, stated that in almost all cases there were both explicit and implicit waivers, the first being a document signed by the witness authorizing and instructing Byer to answer questions put by the Commission, the second being the testimony of witnesses revealing details of their dealings with Byer. He emphasized that he only wished to know the names of persons who consulted Byer and subsequently presented requests to the Department; the presenting of a request to the Department, he pointed out, is a public act, as is the representation of someone before the Department by counsel. Nuss argued as well that the only instance in which the name and address of a client are privileged is when the purpose of consultation is such that the name and address are a matter of confidence. The question of professional secrecy is one of great consequence, not only for the Bar but for the public in general, and I considered it necessary in this matter to make a ruling giving reasons which are reproduced in full in Appendix 19. In doing so, I observed first that the firm Immigration Visa Services of Canada, in which Byer was a partner and the principal participant, cannot invoke the principle of privileged communication, and that the names requested were in fact the names of customers of this firm, rather than clients of Byer acting as a lawyer. In any event, I considered that the solicitor-client relationship does not extend in normal circumstances to the simple name and address of a lawyer's client. I said, "The name and address of a client are generally ordinary facts which are not by nature confidential . . . particularly so in this case, where the name and address were made known to the Immigration and Manpower Department and are consequently in the public record." I concluded:

. . . in the present circumstances, given the fact that the names and addresses of clients of Immigration Visa Services of Canada are not within the scope of privileged communications, as not being communications between client and lawyer, and further that those names are part of the public record inasmuch as they were disclosed to the Department of Manpower and Immigration, which is an information which is not, under the circumstances, of a confidential nature in itself, I hereby must order you, Mr. Stephen Byer, to answer the question put to you by Mr. Nuss as regards the names of the clients of Immigration Visa Services of Canada and those who had business with the Department and who consulted you.

(E-9099)

Following this ruling, Byer provided the Commission with certain files.

346. The Commission had no power to pay fees to witnesses; it was only able—under s.8(2) of the *Inquiries Act*—to pay reasonable travelling expenses. (In the case of those resident in the Montreal area, only

one dollar was allowed for travelling expenses.) Several witnesses before the Commission complained of losing wages by coming to testify. Many of our witnesses were relatively poor people, employed as unskilled or semi-skilled workers, and for them the loss of half a day's or a day's wages was a serious matter. It was unfortunate that we were unable to compensate them. I observe by way of contrast that the *Quebec Code of Civil Procedure* has provision for a witness requesting taxation according to the tariff fixed by the Lieutenant-Governor in Council (art. 321) (at the time the Commission was sitting, this tariff was ten dollars a day). The *Canada Labour Code*, R.S.C. 1970, Ch. L-1 as amended contains the following provision:

207. A person who is summoned by the Board, a conciliation board, a conciliation commissioner or an Industrial Inquiry Commission to attend as a witness in any proceeding taken under this Part, and who so attends, is entitled to be paid an allowance for expenses and a witness fee, determined in accordance with the scale for the time being in force with respect to witnesses in civil suits in the superior court of the province in which the proceeding is being taken.

(c. 18, s. 1)

347. I have already mentioned difficulties encountered by the Commission in interpreting and applying s. 13 of the *Inquiries Act* (paragraphs 15-17).

348. It should be noted that there exists nothing of a formal and comprehensive nature to assist a commission in formulating its procedures. There are no guidelines, no rules, no manuals, to assist a commissioner in establishing his commission; in every case, the research has to be done and the decisions taken anew. Rigid rules are no doubt undesirable, for there is something unique about every commission of inquiry, and in any event such rules can be a hindrance to a commission's work. But at least guidelines should be established. Lord Salmon put it well in the *Report of the Royal Commission on Tribunals of Inquiry 1966* (Commd. 3121):

SHOULD THERE BE STATUTORY RULES OF PROCEDURE?

68. The question arises as to whether or not there should be statutory rules which lay down the procedure to be followed by Tribunals of Inquiry. The disadvantage of having such rules would be that they would necessarily be detailed and rigid. This would enable anyone who wished to obstruct or delay the proceedings of the Tribunal to take advantage of any supposed technical breach of the rules for this purpose. Any alleged failure to comply with the rules might be brought up for review by prerogative writ to the High Court and the inquiry thereby delayed or frustrated.

69. Moreover, the procedural requirements of Tribunals will differ according to the circumstances of each case and it is accordingly desirable to keep the procedure as flexible as possible so that it may be adapted by the Tribunal to meet the needs of the particular case.

70. Rather than have a rigid set of rules, we consider that it is sufficient to lay down the general principles to be followed

349. It is not appropriate for me, in this report, to make any specific suggestions for reform of the *Inquiries Act*. But, in the course of the Commission's work, my staff and I became convinced that, at the very least, a thorough review of the *Act* is desirable.

II. OTHER ASPECTS OF THE INQUIRY

350. Many of the immigrant witnesses before the Commission had not, at the time of their testimony, obtained landed immigrant status. To obtain that status was a major goal, and they clearly considered that anything which might in their eyes jeopardize their position was greatly to be feared. They were also concerned with protecting their family, friends and fellow immigrants from their country of origin. Some witnesses wished to be true to their oath, but were torn by conflicting demands and loyalties. To give one example:

[MR. JOSEPH R. NUSS,
Counsel for the Commission:]

Q. Why didn't you tell us that when you testified here in September 10th, 1974?

A. I didn't want my brother to get into any sort of trouble.

(E-15364)

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[THE COMMISSIONER:]

Q. But you knew that you had to say the truth, didn't you?

A. I beg your pardon?—Yes, I knew I had to say the truth, to some extent, not offending my brother or anybody else.

(E-15365)

351. The attitude of many witnesses made the task of the Commission—to establish the facts—very difficult at times. It must, however,

be said that a good number of the witnesses co-operated fully with the Commission. I thank them for having helped the Commission shed some light on immigration concerning the Montreal region, and hope that all those involved with immigration matters will benefit from the Commission's investigation.

352. Language difficulties posed another problem for the Commission. Interpreters were provided for all witnesses who needed or requested such a service, both at the preliminary interview with Commission counsel and at the hearings. The nuances of some testimony may have been lost in the interpretation process, and that possibility has been taken into account in the analysis of evidence and the preparation of this report. The need to have much evidence given through an interpreter considerably lengthened the time taken by hearings. Interpreters were provided by the Secretary of State, and I am grateful for the quality of interpretation and the co-operation of the interpreters.

353. The Commission, as befits a federal Commission, operated in both official languages of Canada. It was my practice as Commissioner, and it was the practice of Commission counsel, to employ whichever official language the witnesses preferred.

354. Considerable difficulty was experienced in assembling files to be investigated with regard to that part of the mandate concerning persons represented by S. M. Byer. The Department's filing system does not make possible the retrieval of the files of immigrants represented by a particular person. Indeed, unless a special inquiry is held, there is no requirement that the file contain mention of anyone who might have represented the immigrant concerned. Since the period to be investigated was not mentioned in the Privy Council Order, one could have thought that the Commission had to deal with anyone represented by S. M. Byer at any time. In order to compile a nearly complete list of such persons, given the limitations of the Department's filing system, it would have been necessary to review tens of thousands of files. Had the Commission felt it necessary, it would have done so. The Commission relied on three sources of information: (1) a reasonable but incomplete search by the Department of its files; (2) seizure on April 16, 1973, at Byer's office by the Royal Canadian Mounted Police of a list of files apparently of Immigration Visa Services of Canada; and (3) the files of S. M. Byer, that Byer, in his subpoena, was ordered to bring with him when he testified. Although the Commission cannot be certain that it has investigated the files of all those represented by S. M. Byer before

the Department, it feels reasonably certain that it has succeeded in investigating most of those files.

355. In the course of its investigation, the Commission had to trace the subjects of files which, in some cases, were three years old. The R.C.M.P. lent the Commission the services of two and at times three members of that part of the force directly concerned with immigration activities. Even with the valued assistance of the R.C.M.P., it was not possible to locate some subjects; some have apparently returned to their country of origin, while others have simply disappeared. The Commission continued to search for these individuals until the end of its work.

356. Immigration files contain confidential information intended strictly for Department use. Departmental policy on access to files and records is contained in section 2.10 of the *Immigration Manual*, which states in part that employees "must exercise care to ensure that files and records used in the course of their duties are protected at all times . . . so that they are not accessible to unauthorized persons" The Commission took all possible steps to protect both the confidentiality of those files that were investigated and the identity of subjects of those files. All files handed over to the Commission by the Department were, upon completion of this report, returned to it.

PART SIX

Conclusions and Recommendations

357. My inquiry into the matters I was asked to investigate revealed that, by and large, the employees of the Department did their work adequately and honestly. It did, however, reveal misconduct, limited to a few employees. It brought to light a number of deficiencies in the state and management of the Department, resulting, to a great extent, from inadequate and poorly drafted regulations and directives as well as training of employees insufficient to enable them to cope with prevailing conditions. I also found occasional carelessness beyond what one would expect to find, and from time to time plain incompetence. Unscrupulous persons—those who prey on immigrants either in Canada or abroad and in some instances applicants themselves—exploited these deficiencies.

358. I have already, at the end of the various parts of this report, presented my detailed conclusions concerning the matters I was mandated to investigate. They can best be appreciated in the context of the discussion which gave rise to them. To isolate these conclusions now might deprive them of much of their meaning.

359. The range of my recommendations is necessarily limited. My mandate was a narrow one. Important changes in the law have occurred since 1972 when most of the events I describe took place. For instance, visitors may no longer apply in Canada for landed immigrant status. A person seeking entry as a visitor, if refused, has no general right of appeal to the Immigration Appeal Board. In large measure, the circumstances then prevailing no longer exist. The recommendations which I am able to make on the basis of my inquiry follow:

360. Disciplinary action should be taken by the Department against its employees Victorin Bellemare, Gaston Therrien and René Primeau.

361. The Department should further develop its training program, and should ensure thorough implementation of an expanded program. It would be useful for the Department to undertake close study of the United States and United Kingdom models for the training of immigration officers.

362. The regulations and directives relating to applications by "businessmen" for permanent residence should be revised so as to provide a much clearer indication of what constitutes such criteria as "sufficient financial resources" and a "reasonable chance of being successful". It may well be desirable to require actual business experience from applicants seeking this status rather than to accept a mere intention of establishing a business in Canada.

363. If special categories of favoured applicants, such as businessmen, are established by the Department, the reasons for so doing should be made widely known among officers charged with making decisions on the relevant applications, so that those decisions can be in accord with Departmental policy.

364. A special section of the Department should be established for the evaluation of applications for permanent residence made by persons seeking the status of businessman. Those assigned to this section should be sufficiently trained in commercial matters to make informed judgments concerning such applications.

365. Better screening procedures must be implemented to detect at the port of entry those claiming to be visitors to Canada but whose real intentions are to remain in the country. The Department's investigative facilities should be improved so as to permit better detection.

366. Consideration should be given to requiring persons to first obtain a visa when seeking entry as visitors to Canada from countries which, it is discovered, are sources of significant illegal immigration. This would permit thorough investigation of such persons' *bona fides* in their own countries.

367. Consideration should also be given to establishing a system whereby an employer could not hire a person to work until the employer has first properly satisfied himself of that person's right to work in Canada.

368. Legal aid plans, such as the experiments that have operated at Malton and Dorval airports, should be expanded to ensure that free legal representation is available in Canada to those qualified for legal aid and involved in proceedings with the Department in Canada, whether at a port of entry or elsewhere.

369. The Department should institute a system of control of those representing persons who have business before it to ensure standards of competence and ethics. "Counsellors" who are not lawyers should be accredited in some fashion. Anyone representing a person before the Department should be required to give essential information about himself in writing which would remain in the Department's records.

370. To prevent the exploitation of persons wishing to become landed immigrants, the Department should ensure that immigration requirements and procedures are well publicized abroad, and that adequate services for potential immigrants are available. The Department should co-operate with foreign governments in exposing and stopping the activities of "arrangers" and "intermediaries".

371. The investigative facilities of the Department should be strengthened. The Department should ensure that all documents produced by an immigrant in support of an application for permanent residence, no matter what the origin of those documents, are thoroughly checked for authenticity and accuracy. If necessary, additional manpower and special training should be provided for this purpose. Copies of all important documents should be retained in the applicant's file.

372. Social insurance cards should be modified so as to indicate clearly whether or not the holder is entitled to take employment in Canada.

373. Assessments of applications abroad should be overruled by the Department in Ottawa only on the basis of new and relevant information revealed by a full inquiry. Thorough investigation is particularly desirable when proposing to overrule a field decision because of manpower, rather than immigration, considerations.

374. As long as the system of allowing temporary workers to Canada continues, the Department should take the measures necessary to protect the rights of those it allows to enter Canada to work on a temporary basis. This should be done jointly with the provinces when constitutional issues are involved. Without restricting the generality of the foregoing:

a. Periodic checks should be carried out to insure that standards established by Canadian legislation governing working conditions are applied to employees brought into Canada under temporary work permits.

b. Those employers who bring in temporary employees from abroad should be subject to stiff penalties if they break the agreements with the persons they bring in and if they do not observe the standards of wages and working conditions established by legislation in Canada.

c. The rights of the employees and the measures taken to protect them should be fully publicized so that both the employee brought into Canada with a temporary work permit and his employer have full knowledge of their rights and duties.



Claire L'Heureux-Dubé, J.S.C.

Commissioner

APPENDICES

APPENDIX 1-A

Commission dated 30 October 1973

COMMISSION

appointing

THE HONOURABLE

MADAME JUSTICE CLAIRE L'HEUREUX-DUBÉ

Commissioner under Part II of the Inquiries Act, to investigate and report upon the state and management of certain parts of the business of the Department of Manpower and Immigration in Montreal.

DATED.....October 30, 1973.

REGISTERED.....December 10, 1973.

Film 343 Document 318

L. McCANN

DEPUTY REGISTRAR GENERAL OF CANADA



CANADA

ROLAND MICHENER

[Great Seal]

ELIZABETH THE SECOND, by the Grace of God of
the United Kingdom, Canada and Her other Realms
and Territories Queen, Head of the Commonwealth,
Defender of the Faith.

D. S. THORSON

DEPUTY ATTORNEY GENERAL OF CANADA

TO ALL TO WHOM these presents shall come or whom the same may in
anywise concern,

GREETING:

WHEREAS pursuant to the provisions of Part II of the Inquiries Act, Chapters 1-13 of the Revised Statutes of Canada of 1970, His Excellency the Governor General in Council, by Order P.C. 1973-3454 of the thirtieth day of October in the Year of Grace one thousand nine hundred and seventy-three, a copy of which is annexed, has authorized the Minister of Manpower and Immigration to revoke the Commission appointing the Honourable Madame Justice Claire L'Heureux-Dubé a Commissioner under Part II of the Inquiries Act and has further authorized the Minister of Manpower and Immigration, under Part II of the said Act, to reappoint Our Commissioner, therein and hereinafter appointed to investigate and report upon the state and management of that part of the business of the Department of Manpower and Immigration (hereinafter referred to as "the Department") pertaining to

- (a) the subject matter of, matters related to and the processing of the following Montreal files of the Department, namely: 5-3294, 5-7129, 5-10920, 5-32660, 5-23505, 5-23698, 5-25487, 5-21444, 5-25648, 5-25984, 5-25999, 5-25543, 5-26434, 5-26664, 5-28091, 5-26238, 5-29757, 5-29766, 5-29834, 5-28495, 5-30664, 5-30596, 5-990, 5-30568, 5-17246, 5-30368, 5-31181, 5-7557, 5-32757, 5-32651, 5-32968, 5-34282, 5-32928, 5-32758, 5-32783, 5-33105, 5-32969, 5-32929, 5-32934, 5-32924, 5-33211, 5-33030, 5-33086, 5-32955, 5-33571, 5-33128, 5-33140, 5-33093, 5-35479, 5-32648, 5-34062,

5-33570, 5-32639, 5-31321, 5-31440, 5-35286, 5-8138, 5-32640, 5-29170, 5-31901, 5-32868, 5-27485, 5-31831, 5-32663, 5-29744, 5-22044, 3-67586, 5-27714, 5-32745, 5-15596, 5-25756, 5-200, 5-26342, 5-15731, 5-16415, 5-24965, 5-28222, 5-4058, A-214988, 5-27849, 2-20195, 5-13194, 5-15049, 5-27445, 5-2309, 5-21322, 5-32330, B-058922, 5-21330, 5-2197, 3-71211, 5-28141, 5-19845, 3-33991, 5-23036, 5-21858, 5-21428, 5-15189, B-202780, 5-18451, 5-22103, 5-28413, 5-20531, 3-28588, A-398446, 3-80699, 3-77001, 5-29789, A-213827;

- (b) persons represented by S. M. Byer, an Advocate practising his profession in the City of Montreal, who had dealings with the Department or any person in the service of the Department;
- (c) the preparation of a list of immigrants by Immigration Officer Bryan Purdon for the said S. M. Byer;
- (d) the conduct of any person who is or was in the service of the Department so far as that conduct relates to his official duties in respect of any of the matters referred to in paragraphs (a), (b), (c) or (e); and
- (e) any matters incidental or relating to any of the matters referred to in paragraphs (a) to (d),

and has authorized that certain rights, powers and privileges be conferred upon Our said Commissioner, as may be deemed best with reference to the said Order.

NOW KNOW YE that the Minister of Manpower and Immigration, pursuant to the said Order, names, appoints and designates by these presents the Honourable Madame Justice Claire L'Heureux-Dubé, a Puisne Judge of the Superior Court of Quebec for the District of Quebec, Our Commissioner to conduct such an Inquiry.

TO have, hold, exercise and enjoy the office, place and trust unto the said Claire L'Heureux-Dubé, together with the rights, powers, privileges and emoluments unto the said office, place and trust, of right and by law appertaining during Our pleasure.

AND BY THESE PRESENTS WE do authorize Our said Commissioner to adopt such procedures and methods as she may from time to time deem expedient for the proper conduct of the Inquiry, to sit at such time and at such places as she may decide from time to time, and We require and direct that she shall have complete access to personnel and information available in the Department of Manpower and Immigration and adequate working accommodation and clerical assistance.

AND WE DO FURTHER authorize our Commissioner to engage the services of such staff and technical advisers as she deems necessary or advisable and also the services of counsel to aid and assist her in her inquiry at such rates of remuneration and reimbursement as may be approved by the Treasury Board.

AND BY THESE PRESENTS WE do require and direct Our said Commissioner to report to the Minister of Manpower and Immigration with all reasonable dispatch.

IN TESTIMONY WHEREOF, We have caused these Our letters to be made patent and the Great Seal of Canada to be hereunto affixed.

WITNESS: Our Right Trusty and Well-beloved Counsellor, Roland Michener, Chancellor and Principal Companion of Our Order of Canada, Chancellor and Commander of Our Order of Military Merit upon whom We have conferred Our Canadian Forces' Decoration, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our city of Ottawa, this thirtieth day of October in the Year of Grace one thousand nine hundred and seventy-three, the twenty-second year of Our Reign.

BY ORDER,

P. M. PITFIELD

DEPUTY REGISTRAR GENERAL OF CANADA

Privy Council Order 1973-3454

*Certified to be a true copy of a Minute of a Meeting of the
Committee of the Privy Council, approved by His Excellency
the Governor General on the 30 October, 1973*

The Committee of the Privy Council advise that, pursuant to Part II of the Inquiries Act, the Minister of Manpower and Immigration be authorized to revoke the Commission appointing the Honourable Madame Justice Claire L'Heureux-Dubé, of the City of Quebec in the Province of Quebec, a Puisne Judge of the Superior Court for the District of Quebec as a Commissioner under Part II of the Inquiries Act and to reappoint the said the Honourable Madame Justice Claire L'Heureux-Dubé to be a Commissioner to investigate and report upon the state and management of that part of the business of the Department of Manpower and Immigration (hereinafter referred to as "the Department") pertaining to

- (a) the subject matter of, matters related to and the processing of the following Montreal files of the Department, namely: 5-3294, 5-7129, 5-10920, 5-32660, 5-23505, 5-23698, 5-25487, 5-21444, 5-25648, 5-25984, 5-25999, 5-25543, 5-26434, 5-26664, 5-28091, 5-26238, 5-29757, 5-29766, 5-29834, 5-28495, 5-30664, 5-30596, 5-990, 5-30568, 5-17246, 5-30368, 5-31181, 5-7557, 5-32757, 5-32651, 5-32968, 5-34282, 5-32928, 5-32758, 5-32783, 5-33105, 5-32969, 5-32929, 5-32934, 5-32924, 5-33211, 5-33030, 5-33086, 5-32955, 5-33571, 5-33128, 5-33140, 5-33093, 5-35479, 5-32648, 5-34062, 5-33570, 5-32639, 5-31321, 5-31440, 5-35286, 5-8138, 5-32640, 5-29170, 5-31901, 5-32868, 5-27485, 5-31831, 5-32663, 5-29744, 5-22044, 3-67586, 5-27714, 5-32745, 5-15596, 5-25756, 5-200, 5-26342, 5-15731, 5-16415, 5-24965, 5-28222, 5-4058, A-214988, 5-27849, 2-20195, 5-13194, 5-15049, 5-27445, 5-2309, 5-21322, 5-32330, B-058922, 5-21330, 5-2197, 3-71211, 5-28141, 5-19845, 3-33991, 5-23036, 5-21858, 5-21428, 5-15189, B-202780, 5-18451, 5-22103, 5-28413, 5-20531, 3-28588, A-398446, 3-80699, 3-77001, 5-29789, A-213827;
- (b) persons represented by S. M. Byer, an Advocate practising his profession in the City of Montreal, who had dealings with the Department or any person in the service of the Department;
- (c) the preparation of a list of immigrants by Immigration Officer Bryan Purdon for the said S. M. Byer;
- (d) the conduct of any person who is or was in the service of the Department so far as that conduct relates to his official duties in respect of any of the matters referred to in paragraphs (a), (b), (c) or (e); and
- (e) any matters incidental or relating to any of the matters referred to in paragraphs (a) to (d).

The Committee of the Privy Council further advise that a Commission be issued to the said Commissioner providing

1. that the Commissioner may adopt such procedures and methods as she may from time to time deem expedient for the proper conduct of the Inquiry, may sit at such time and at such places as she may decide from time to time and shall have complete access to personnel and information available in the Department of Manpower and Immigration and adequate working accommodation and clerical assistance;
2. that the Commissioner may engage the services of such staff and technical advisers as she deems necessary or advisable and also the services of counsel to aid and assist her in her inquiry at such rates of remuneration and reimbursement as may be approved by the Treasury Board; and
3. that the Commissioner shall report to the Minister of Manpower and Immigration with all reasonable despatch.

The Committee of the Privy Council further advise that, pursuant to section 37 of the Judges Act, the Honourable Madame Justice Claire L'Heureux-Dubé be authorized to act as Commissioner for the purposes of the said investigation.

APPENDIX 1-C

Commission dated 14 August 1975

COMMISSION

Appointing

THE HONOURABLE

MADAME JUSTICE CLAIRE L'HEUREUX-DUBÉ

Commissioner under Part II of the Inquiries Act, to investigate and report upon the state and management of that part of the business of the Department of Manpower and Immigration mentioned in Order P.C. 1975-1685 of July 17, 1975.

DATED.....August 14, 1975

REGISTERED.....August 14, 1975

Film 382 Document 117

ROBERT J. BERTRAND

DEPUTY REGISTRAR GENERAL OF CANADA



CANADA

JULES LÉGER

[Great Seal]

ELIZABETH THE SECOND, by the Grace of God of
the United Kingdom, Canada and Her other Realms
and Territories Queen, Head of the Commonwealth,
Defender of the Faith.

D. H. CHRISTIE

ACTING DEPUTY ATTORNEY GENERAL OF CANADA

TO ALL TO WHOM these presents shall come or whom the same may in
anywise concern,

GREETING:

WHEREAS pursuant to the provisions of Part II of the Inquiries Act, Chapters 1–13 of the Revised Statutes of Canada, 1970, and section 37 of the Judges Act, Chapter J–1 of the said Statutes, His Excellency the Governor General in Council, by Order P.C. 1975–1685 on the seventeenth day of July in the Year of Grace one thousand nine hundred and seventy-five, a copy of which is annexed, has authorized the appointment of Our Commissioner, therein and hereinafter designated, to investigate and report upon the state and management of that part of the business of the Department of Manpower and Immigration (hereinafter referred to as “the Department”) pertaining to

- (a) the subject matter of, matters related to and the processing of the following Montreal files of the Department, namely: ER3–77647, ER3–79096, 5–24714, 5–20388;
- (b) the conduct of any person who is or was in the service of the Department so far as that conduct relates to his official duties in respect of the matters referred to in paragraph (a); and
- (c) any matters incidental or relating to any of the matters referred to in paragraphs (a) and (b),

and has conferred upon Our Commissioner certain rights, powers and privileges, as may be deemed best with reference to the said Order.

NOW KNOW YE, that in accordance with the said Order, the Minister of Manpower and Immigration names, appoints and designates by these presents the Honourable Madame Justice Claire L'Heureux-Dubé, of the City of Quebec in the Province of Quebec, a Puisne Judge of the Superior Court for the District of Quebec, to the office of Commissioner to conduct such an Inquiry.

TO have, hold, exercise and enjoy the office, place and trust unto the said Claire L'Heureux-Dubé, together with the rights, powers, privileges and emoluments unto the said office, place and trust, of right and by law appertaining during Our pleasure.

AND BY THESE PRESENTS WE do authorize Our said Commissioner to adopt such procedures and methods as she may from time to time deem expedient for the proper conduct of the inquiry, to sit at such time and at such places as she may decide from time to time, and We require and direct that she shall have complete access to personnel and information available in the Department of Manpower and Immigration and adequate working accommodation and clerical assistance.

AND BY THESE PRESENTS WE further authorize Our said Commissioner to engage the services of such staff and technical advisers as she deems necessary or advisable and also the services of counsel to aid and assist her in her inquiry at such rates of remuneration and reimbursement as may be approved by the Treasury Board.

AND BY THESE PRESENTS, WE do require and direct Our said Commissioner to report with all reasonable dispatch to the Minister of Manpower and Immigration either by a separate document or by including the report in any report to the Minister she may be making pursuant to her appointment as a Commissioner under Part II of the Inquiries Act made on the 31st day of October, 1973.

IN TESTIMONY WHEREOF, We have caused these Our letters to be made patent and the Great Seal of Canada to be hereunto affixed.

WITNESS: Our Right Trusty and Well-beloved Jules Léger, Chancellor and Principal Companion of Our Order of Canada, Chancellor and Commander of Our Order of Military Merit upon whom We have conferred Our Canadian Forces' Decoration, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our city of Ottawa, this fourteenth day of August in the Year of Grace one thousand nine hundred and seventy-five, the twenty-fourth year of Our Reign.

BY ORDER

ROBERT J. BERTRAND

DEPUTY REGISTRAR GENERAL OF CANADA

Privy Council Order 1975-1685

*Certified to be a true copy of a Minute of a Meeting of the
Committee of the Privy Council, approved by His Excellency
the Governor General on the 17 July, 1975*

The Committee of the Privy Council, on the recommendation of the Minister of Manpower and Immigration, advise that, pursuant to Part II of the Inquiries Act, authority be granted to the Minister of Manpower and Immigration to appoint the Honourable Madame Justice Claire L'Heureux-Dubé, of the City of Quebec in the Province of Quebec, a Puisne Judge of the Superior Court for the District of Quebec, to be a Commissioner to investigate and report upon the state and management of that part of the business of the Department of Manpower and Immigration (hereinafter referred to as "the Department") pertaining to

- (a) the subject matter of, matters related to and the processing of the following Montreal files of the Department, namely: ER3-77647, ER3-79096, 5-24714, 5-20388;
- (b) the conduct of any person who is or was in the service of the Department so far as that conduct relates to his official duties in respect of the matters referred to in paragraph (a); and
- (c) any matters incidental or relating to any of the matters referred to in paragraphs (a) and (b).

The Committee further advise that a Commission do issue to the said Commissioner, and

- 1. that the Commissioner shall adopt such procedures and methods as she may from time to time deem expedient for the proper conduct of the Inquiry, may sit at such times and at such places as she may decide from time to time, shall have complete access to personnel and information available in the Department of Manpower and Immigration and adequate working accommodation and clerical assistance;
- 2. that the Commissioner may engage the services of such staff and technical advisers as she deems necessary or advisable and also the services of counsel to aid and assist her in her inquiry at such rates of remuneration and reimbursement as may be approved by the Treasury Board; and
- 3. that the Commissioner shall, with all reasonable despatch, report to the Minister of Manpower and Immigration either by a separate document or by including the report in any report to the Minister she may be making pursuant to her appointment as a Commissioner under Part II of the Inquiries Act made on the 30th day of October, 1973.

The Committee further advise that, pursuant to section 37 of the Judges Act, the Honourable Madame Justice Claire L'Heureux-Dubé be authorized to act as a Commissioner for the purpose of the said investigation.

Notice of Hearings

The following notice appeared in

The Montreal Star, March 30, 1974, April 6, 1974, April 13, 1974;

Sunday Express, March 31, 1974, April 7, 1974, April 14, 1974;

The Gazette, April 2, 1974, April 13, 1974;

and in French in the following newspapers:

La Presse, March 30, 1974, April 6, 1974, April 13, 1974;

Dimanche Matin, March 31, 1974, April 7, 1974, April 14, 1974;

Le Devoir, April 1, 1974, April 6, 1974, April 13, 1974.

Commission of Inquiry relating to the Department of Manpower and Immigration in Montreal

NOTICE OF HEARING

TAKE NOTICE that the hearings of the Commission of Inquiry relating to the Department of Manpower and Immigration in Montreal presided by the Commissioner, Madame Justice Claire L'Heureux-Dubé, will be held commencing on Tuesday, April 23rd, 1974, at 10 A.M.

The hearings of the Commission will be held at the office of the Commission, 625 Dorchester Blvd. West, Suite 805, Montreal, and will open as a public session.

All witnesses shall be called by the Commission, and they shall have the right to be accompanied by their lawyer, should they so wish.

Any lawyer wishing to appear on behalf of a person called upon as a witness must produce a written appearance before the Registrar of the Commission, indicating the name and address of the person whom he is representing, at least two full days before the date set for the hearing of such witness.

In order for the Commission to make adequate preparations for the hearings, persons wishing to give evidence relating to matters within its mandate are requested to contact its Registrar before April 19th, 1974, indicating the nature of the facts which they intend to bring to the attention of the Commission.

Any person may testify in French or English. Persons whose knowledge of French or English is not sufficient for the purpose of giving testimony shall be provided with the assistance of an interpreter, at the Commission's expense,

provided a request for same has been made a reasonable time before the hearing of the witness, indicating the language in which the testimony is to be given.

Copies of the Rules of Practice and Procedure of the Commission shall be made available to the lawyers and the public from the outset of the hearings.

The Commission is interested in hearing evidence pertaining to the matters within its mandate. Therefore, it is hereby inviting any person having such knowledge to contact the Executive Director and Registrar of the Commission as soon as possible.

Counsel for the Commission are M^e Joseph R. Nuss and M^e Roger D. Pothier.

The Executive Director and Registrar for the Commission is Mr. William J. Brennan.

DATED at the City of Montreal,
Province of Quebec,
this 28th day of March 1974.

The REGISTRAR

William J. Brennan

*Commission of Inquiry relating
to the Department of Manpower
and Immigration in Montreal*
625 Dorchester Blvd. West, Suite 805
Montreal, Que., H3B 1R2
Tel.: (514) 283-4000

Rules of Practice and Procedure

Commission of Inquiry
relating to the Department of Manpower
and Immigration in Montreal

RULES OF PRACTICE AND PROCEDURE

CHAPTER I

Hearings

Rule 1.

The hearings of the Commission shall be held at 625 Dorchester Blvd. West, suite 805, Montreal, unless the Commission decides otherwise.

Rule 2.

The hearings of the Commission shall generally commence at 9:30 A.M. and shall generally adjourn at 4:30 P.M. on Tuesday, Wednesday and Thursday of each week, unless the Commission decides otherwise.

Rule 3.

The date of the first hearing shall be published in advance in the newspapers.

Rule 4.

The first hearing of the Commission shall open as a public session, but hearings may be held *in camera* whenever the Commission deems it advisable to do so.

Rule 5.

The Registrar of the Commission for the purpose of its hearings is Mr. William J. Brennan, 625 Dorchester Blvd. West, Suite 805, Montreal.

Rule 6.

Any person called upon to appear before the Commission shall have the right to be accompanied by his lawyer, if he so desires.

Rule 7.

The lawyer representing any person called upon to testify before the Commission must file with the Registrar of the Commission a written appearance stating the name and address of the person he represents, at least two (2) days before the date set for the hearing of such witness.

Rule 8.

All public hearings of the Commission shall be recorded by a court reporter. Transcripts may be obtained from the Registrar for the Commission, who will indicate the cost to anyone requesting same.

Rule 9.

Each exhibit lists and identifies the documents filed by a number which shall be used for the length of the inquiry. There shall be only one series of numbers.

Rule 10.

Any person who wishes to examine the exhibits filed at a public hearing of the Commission shall obtain the prior permission of the Registrar. Such consultation must take place at the office of the Commission on juridical days, during office hours, and in the presence of its Registrar.

Rule 11.

Any motion presentable to the Commission must be communicated to Counsel for the Commission at least twelve (12) hours in advance.

Rule 12.

Any act interfering with the order and decorum of the hearings of the Commission is strictly forbidden.

Rule 13.

Are also forbidden: the use of photography, cinematography, television, as well as any recording of the hearings other than the recording by the official court reporter of the Commission.

CHAPTER II

*Testimony**Rule 14.*

No person other than those authorized by the Commission are to be given access to evidence, documents, or exhibits submitted during the in camera hearings. If authorized, they may have such access only if they undertake to respect the conditions imposed by the Commission.

Rule 15.

The *Canada Evidence Act* shall apply to the hearings of the Commission, and when necessary shall be supplemented by the laws of evidence and procedure in effect in the province where the Commission is holding its hearings.

Rule 16.

Any person may testify in French or English. Persons whose knowledge of French or English is not sufficient for the purpose of giving testimony will be provided the services of an interpreter before the Commission, at the Commission's expense.

Rule 17.

Any person wishing to avail himself of the services of an interpreter for the purpose of his testimony before the Commission must so inform the Registrar of the Commission a reasonable time before the date set for the hearing, indicating the language in which he wishes to testify.

Rule 18.

Only interpreters authorized by the Commission may act as such at the Commission's hearings.

CHAPTER III

Witnesses

Rule 19.

All witnesses shall be witnesses of the Commission and shall be called by the Commission. Witnesses shall have the right to be accompanied by their lawyer, should they so desire.

Rule 20.

Any person wishing to testify before the Commission must contact the Registrar of the Commission and indicate at that time the nature of the facts he wishes to bring to the attention of the Commission. The Commission reserves its right to deal with the information offered in such manner as it deems advisable.

Rule 21.

If persons are called upon to appear voluntarily and do not comply with the Commission's request, they shall be summoned to appear under the term of a summons delivered by the Commission.

Rule 22.

Travelling expenses incurred for the purpose of appearing before the Commission shall be reimbursed upon presentation of proper proof to the Registrar of the Commission.

Rule 23.

Witnesses summoned to appear before the Commission must attend the hearing at the place, time, and date indicated, under such penalties as provided by law.

CHAPTER IV

Amendments

Rule 24.

These rules may be amended from time to time without notice.

Rule 25.

These rules are made to facilitate the work of the Commission and the carrying out of its mandate, and they must be interpreted accordingly.

DATED at the City of Montreal,
Province of Quebec,
this 1st day of April, 1974.

THE REGISTRAR
William J. Brennan

Fact sheet

Commission of Inquiry relating to the Department of Manpower and Immigration in Montreal

COMMISSIONER:

The Honourable Madame Justice Claire L'Heureux-Dubé, a judge of the Superior Court of Quebec.

MANDATE OF THE COMMISSION:

Mme. L'Heureux-Dubé has been appointed under Part II of the Inquiries Act to investigate and report on matters related to the business of the Department of Manpower and Immigration in Montreal.

The creation of the Commission was announced by the Hon. Mr. Robert Andras, Minister of Manpower and Immigration, on August 13, 1973.

COUNSEL TO THE COMMISSION:

Mr. Joseph Nuss, lawyer, from Montreal.

Mr. Roger D. Pothier, lawyer, from Quebec City.

EXECUTIVE DIRECTOR:

Mr. William J. Brennan.

OFFICE OF THE COMMISSION:

The office of the Commission is located at

625 Dorchester Blvd. West, Suite 805

Montreal, H3B 1R2

(Mutual Life Building)

Telephone: (514) 283-4000.

PURPOSE OF THE COMMISSION:

The Commission has a double purpose. First, to establish the facts. Secondly, to report to the Minister of Manpower and Immigration and make the recommendations it deems advisable in the light of the information gathered.

PROCEDURE:

As the Commission of Inquiry is not a trial, the persons called to testify before it are neither plaintiffs nor defendants, nor accused. Witnesses shall be called by the Commission only, and they may be represented by their lawyer, should they so wish.

The Commission will hold its hearings at such times and places as it sees fit.

The Commission will adopt such procedures and methods as will be deemed necessary for the conduct of the Inquiry.

The Commission shall, if necessary, publish notices in the newspapers.

The Commission shall, as the Inquiry progresses, make the most appropriate decisions in the interest of justice, and with due respect for the rights of every one concerned.

INFORMATION:

In order to obtain all the facts, this Inquiry will require the co-operation of all Departments and persons concerned, as well as of every person who can provide pertinent information relating to the mandate of the Commission.

Persons wishing to communicate with the Commission are requested to contact its Counsel, Mr. Joseph Nuss (tel. 283-4000), or to write to the Commission.

APPENDIX 4-B

Letter to persons having particular interest in the inquiry

COMMISSION D'ENQUÊTE RELATIVE
AU MINISTÈRE DE LA MAIN-D'OEUVRE ET DE
L'IMMIGRATION À MONTRÉAL

CLAIRE L'HEUREUX-DUBÉ, J.C.S., COMMISSAIRE

625 OUEST, BOUL. DORCHESTER, BUREAU 805
MONTRÉAL, QUÉ.
H3B 1R2

TÉL.: (514) 283-4000

COMMISSION OF INQUIRY RELATING TO THE
DEPARTMENT OF MANPOWER AND IMMIGRATION
IN MONTREAL

CLAIRE L'HEUREUX-DUBÉ, J.S.C., COMMISSIONER

625 DORCHESTER BLVD. WEST, ROOM 805
MONTREAL, QUE.
H3B 1R2

TEL.: (514) 283-4000

(date), 1974

Dear Madam:

Dear Sir:

The Order in Council as well as a preliminary examination of the immigration files referred to in the Order in Council creating the Commission of Inquiry indicate that you have a potential interest in the inquiry, and accordingly you are informed that the hearings of the Commission will start on April 23, 1974, at 10 A.M., at 625 Dorchester Blvd. West, Suite 805, Montreal. The session will open as a public session.

For your information, enclosed herewith is a copy of the Order in Council and of the Rules of Practice and Procedure of the Commission.

It may well be your desire to testify before this Commission and make representations thereto in reference to the matters referred to it. In such event, may I suggest that you confer with the Counsel for the Commission at your earliest convenience, or have such counsel as you may instruct do so on your behalf. An appointment may be made by telephoning to this office, number 283-4000 (Montreal).

Yours sincerely,

Claire L'Heureux-Dubé, j.s.c.
Commissioner

Encl.

Copy to attorney

APPENDIX 4-C

Letter to witnesses to attend preliminary interview
by Commission counsel

COMMISSION D'ENQUÊTE RELATIVE
AU MINISTÈRE DE LA MAIN-D'OEUVRE ET DE
L'IMMIGRATION À MONTRÉAL

CLAIRE L'HEUREUX-DUBÉ, J.C.S., COMMISSAIRE

625 OUEST, BOUL. DORCHESTER, BUREAU 805
MONTRÉAL, QUÉ.
H3B 1R2

TÉL.: (514) 283-4000

COMMISSION OF INQUIRY RELATING TO THE
DEPARTMENT OF MANPOWER AND IMMIGRATION
IN MONTREAL

CLAIRE L'HEUREUX-DUBÉ, J.S.C., COMMISSIONER

625 DORCHESTER BLVD. WEST, ROOM 805
MONTREAL, QUE.
H3B 1R2

TEL.: (514) 283-4000

(date)

Dear Madam:

Dear Sir:

As you may know, this Commission of Inquiry has been appointed to investigate and report on certain matters relating to the Department of Manpower and Immigration.

I believe that you have information which will be useful to the Commission, and ask you in this connection to come to this office on _____, 19____, at _____, so that I may ask you some questions. It is your right to bring counsel with you.

Should you desire the assistance of an interpreter or should you desire any further information, telephone me as soon as possible.

Yours truly,

Joseph R. Nuss
Counsel to the Commission

I acknowledge having received
the original of this letter.

TIME:

Telephone No.:

Subpoena issued to witnesses

COMMISSION OF INQUIRY

SUBPOENA

In The Matter of:

The Commission of Inquiry relating to the
Department of Manpower and Immigration
in Montreal constituted pursuant to Part II
of the Inquiries Act (P.C. 1973-3454).

TO:

You are by this subpoena hereby required and commanded to appear before
me at the Mutual Life Building, 625 Dorchester West, Room 805, in the City
of Montreal on the day of
197 at o'clock in the in order to testify to all matters within your
knowledge relative to the subject matters referred to in my Commission.

Do bring with you the following documents:

The whole under the penalties provided by Law.

DATED at Montreal,

this day of 197 .

Claire L'Heureux-Dubé, J.S.C.
Commissioner

APPENDIX 4-E (1)

Letter attached to subpoena

COMMISSION D'ENQUÊTE RELATIVE
AU MINISTÈRE DE LA MAIN-D'OEUVRE ET DE
L'IMMIGRATION À MONTRÉAL

CLAIRE L'HEUREUX-DUBÉ, J.C.S., COMMISSAIRE

625 OUEST, BOUL. DORCHESTER, BUREAU 805
MONTRÉAL, QUÉ.
H3B 1R2

TÉL.: (514) 283-4000

COMMISSION OF INQUIRY RELATING TO THE
DEPARTMENT OF MANPOWER AND IMMIGRATION
IN MONTREAL

CLAIRE L'HEUREUX-DUBÉ, J.S.C., COMMISSIONER

625 DORCHESTER BLVD. WEST, ROOM 805
MONTREAL, QUE.
H3B 1R2

TEL.: (514) 283-4000

(date) , 1974

Dear Madam:

Dear Sir:

This Commission of Inquiry has been established to investigate certain matters on Immigration in Montreal.

It is important that the Commissioner hear your testimony and you are therefore being served with a subpoena ordering you to appear on the date mentioned.

Commission counsel would like to interview you prior to your appearance and you are asked to kindly come to his office at the above address on
, at

It is your right to bring a lawyer with you. Should you desire the assistance of an interpreter or should you desire any further information, kindly telephone me as soon as possible.

Yours truly,

W.J. Brennan
Registrar

APPENDIX 4-E (2)

Letter attached to subpoena

COMMISSION D'ENQUÊTE RELATIVE
AU MINISTÈRE DE LA MAIN-D'OEUVRE ET DE
L'IMMIGRATION À MONTRÉAL

CLAIRE L'HEUREUX-DUBÉ, J.C.S., COMMISSAIRE

625 OUEST, BOUL. DORCHESTER, BUREAU 805
MONTRÉAL, QUÉ.
H3B 1R2

TÉL.: (514) 283-4000

COMMISSION OF INQUIRY RELATING TO THE
DEPARTMENT OF MANPOWER AND IMMIGRATION
IN MONTREAL

CLAIRE L'HEUREUX-DUBÉ, J.S.C., COMMISSIONER

625 DORCHESTER BLVD. WEST, ROOM 805
MONTREAL, QUE.
H3B 1R2

TEL.: (514) 283-4000

(date), 1974

Dear Madam:
Dear Sir:

This Commission of Inquiry has been established to investigate certain matters on Immigration in Montreal.

It is important that the Commissioner hear your testimony and you are therefore being served with a subpoena ordering you to appear on the date mentioned.

It is your right to bring a lawyer with you. Should you desire the assistance of an interpreter or should you desire any further information, kindly telephone me as soon as possible.

Yours truly,

W.J. Brennan
Registrar

APPENDIX 4-E (3)

Letter attached to subpoena

COMMISSION D'ENQUÊTE RELATIVE
AU MINISTÈRE DE LA MAIN-D'OEUVRE ET DE
L'IMMIGRATION À MONTRÉAL

CLAIRE L'HEUREUX-DUBÉ, J.C.S., COMMISSAIRE

625 OUEST, BOUL. DORCHESTER, BUREAU 805
MONTRÉAL, QUÉ.
H3B 1R2

TÉL.: (514) 283-4000

COMMISSION OF INQUIRY RELATING TO THE
DEPARTMENT OF MANPOWER AND IMMIGRATION
IN MONTREAL

CLAIRE L'HEUREUX-DUBÉ, J.S.C., COMMISSIONER

625 DORCHESTER BLVD. WEST, ROOM 805
MONTREAL, QUE.
H3B 1R2

TEL.: (514) 283-4000

(date), 1974

Dear Madam:

Dear Sir:

You attended at this office and were interviewed earlier this year concerning matters which this Commission of Inquiry is investigating.

The hearings of the Commission have commenced and your testimony is required by the Commissioner. Accordingly, you are being served with a subpoena ordering you to appear on the date mentioned.

It is your right to bring a lawyer with you. Should you desire the assistance of an interpreter or should you desire any further information, kindly telephone me as soon as possible.

Yours truly,

W.J. Brennan
Registrar

Authorization by clients of S. M. Byer to reveal information

I, the undersigned, Mr.

expressly authorize Stephen Byer or any of his employees or associates to divulge to the Commission of Inquiry relative to the Department of Manpower and Immigration in Montreal (Order in Council P.C. 1973-3454), any communication between us whether verbal or written, whether or not confidential or privileged, relating to my dealings, requests or proceedings concerning the Department of Manpower and Immigration and/or my status in Canada.

Consequently, if the said Commission of Inquiry examines the said persons, they are instructed to answer any questions pertaining to the above matters.

Letter to certain witnesses giving notice of submissions
by Commission counsel

COMMISSION D'ENQUÊTE RELATIVE
AU MINISTÈRE DE LA MAIN-D'OEUVRE ET DE
L'IMMIGRATION À MONTRÉAL

CLAIRE L'HEUREUX-DUBÉ, J.C.S., COMMISSAIRE

625 OUEST, BOUL. DORCHESTER, BUREAU 805
MONTRÉAL, QUÉ.
H3B 1R2

Tél.: (514) 283-4000

COMMISSION OF INQUIRY RELATING TO THE
DEPARTMENT OF MANPOWER AND IMMIGRATION
IN MONTREAL

CLAIRE L'HEUREUX-DUBÉ, J.S.C., COMMISSIONER

625 DORCHESTER BLVD. WEST, ROOM 805
MONTREAL, QUE.
H3B 1R2

TEL.: (514) 283-4000

(date), 1975

PERSONAL and
CONFIDENTIAL

Dear Madam:
Dear Sir:

You have appeared as a witness before this Commission of Inquiry. In addition, other witnesses have referred to you.

I will be making submissions to the Commissioner in order to assist her in the preparation of the report. I will be referring to you, and based on the evidence adduced, will allege a charge of misconduct against you. My submissions in this regard will be made at the sitting of the Commission on April 15, 1975, at 10:00 A.M., which, as usual, will be open to the public.

I am informing you of this hearing so that you and/or Counsel acting on your behalf may attend should you so desire.

Section 13 of the Inquiries Act reads as follows:

"13. No report shall be made against any person until reasonable notice has been given to him of the charge of misconduct alleged against him and he has been allowed full opportunity to be heard in person or by counsel.
R.S., c.154, s.13."

After the hearing on April 15, the Commission will provide you with a copy of the transcript of my submission, setting out the charge of misconduct alleged against you. You will then be given notice of the date on which you will be allowed full opportunity to be heard before the Commission, in person or by counsel, in conformity with Section 13 of the Inquiries Act.

Should you require any further information, please communicate with the Executive Director, Mr. William J. Brennan.

Yours truly,

Joseph R. Nuss
Counsel to the Commission

c.c. to counsel

Letters to certain witnesses subsequent to submissions by
Commission counsel (section 13, *Inquiries Act*)

COMMISSION D'ENQUÊTE RELATIVE
AU MINISTÈRE DE LA MAIN-D'OEUVRE ET DE
L'IMMIGRATION À MONTRÉAL

CLAIRE L'HEUREUX-DUBÉ, J.C.S., COMMISSAIRE

625 OUEST, BOUL. DORCHESTER, BUREAU 805
MONTRÉAL, QUÉ.
H3B 1R2

TÉL.: (514) 283-4000

COMMISSION OF INQUIRY RELATING TO THE
DEPARTMENT OF MANPOWER AND IMMIGRATION
IN MONTREAL

CLAIRE L'HEUREUX-DUBÉ, J.S.C., COMMISSIONER

625 DORCHESTER BLVD. WEST, ROOM 805
MONTREAL, QUE.
H3B 1R2

TEL.: (514) 283-4000

(date) 1975

PERSONAL and
CONFIDENTIAL

Madam:

Dear Sir:

On April 7, 1975, you were notified by Commission Counsel Joseph Nuss that he would be making submissions to the Commission on April 15, 1975, with respect to matters which concerned you. A copy of the letter was sent to your Counsel, Me . Your Counsel and yourself were present at the hearing on April 15. Your Counsel indicated that he did not wish to make any representations at that time.

I must now consider the evidence adduced and any charges of misconduct alleged before the Commission.

Section 13 of the Inquiries Act reads as follows:

"13. No report shall be made against any person until reasonable notice has been given to him of the charge of misconduct alleged against him and he has been allowed full opportunity to be heard in person or by counsel. R.S., c. 154, s. 13."

I give you notice that I will have to consider all the charges of misconduct alleged by Commission Counsel Joseph Nuss in his submissions to the Commission on April 15, 1975. I am enclosing a transcript of the hearing which took place on that day (Volume 93), and

... 2

2.

which sets out verbatim the charges of misconduct alleged against you. They are found in his submission, particularly at pages to inclusively.

The Commission will hold hearings on May 22 and 23, 1975, at which time you will have the opportunity to be heard. Please accept this letter as an official notice pursuant to Section 13 of the Inquiries Act, and advise the Commission as soon as possible if you desire to avail yourself of the opportunity to be heard in person or by counsel.

In the absence of such reply by May 21, 1975, I shall assume that you do not wish to be heard in person or by counsel.

Please communicate your reply to Mr. W.J. Brennan, Executive Director, Commission of Inquiry relating to the Department of Manpower and Immigration in Montreal, 625 Dorchester Blvd. West, Room 805, Montreal.

A copy of this letter is sent to your Counsel,
Me

Yours truly,

Claire L'Heureux-Dubé, j.s.c.
Commissioner

p.j.

I acknowledge receipt of the original of this letter and of the transcript mentioned therein (Vol. 93).

Montreal, date 1975.

Signed: _____

Letter to certain witnesses giving them opportunity to
make representations

COMMISSION D'ENQUÊTE RELATIVE
AU MINISTÈRE DE LA MAIN-D'OEUVRE ET DE
L'IMMIGRATION À MONTRÉAL

CLAIRE L'HEUREUX-DUBÉ, J.C.S., COMMISSAIRE

625 OUEST, BOUL. DORCHESTER, BUREAU 805
MONTRÉAL, QUÉ.
H3B 1R2

TÉL.: (514) 283-4000

COMMISSION OF INQUIRY RELATING TO THE
DEPARTMENT OF MANPOWER AND IMMIGRATION
IN MONTREAL

CLAIRE L'HEUREUX-DUBÉ, J.S.C., COMMISSIONER

625 DORCHESTER BLVD. WEST, ROOM 805
MONTREAL, QUE.
H3B 1R2

TEL.: (514) 283-4000

(date), 1975

Dear Madam:

Dear Sir:

You were called as a witness and testified before
this Commission on
In addition, other witnesses, in giving evidence, have
referred to you.

I must consider the evidence adduced before the
Commission for the purpose of writing my report. I would
like to know if you wish to make representations to the
Commission, in person or by counsel.

Should you so desire, please advise the Commission
as soon as possible. The Commission will hold hearings on
May 27th, 1975. In the absence of your reply by May 24th,
1975, I shall assume that you do not wish to avail yourself
of the opportunity to make such representations.

Please communicate your reply to Mr. W.J. Brennan,
Executive Director, Commission of Inquiry relating to the
Department of Manpower and Immigration in Montreal,
625 Dorchester Blvd. West, Room 805, Montreal.

A copy of this letter is being sent to your
counsel Mr.

Yours truly,

Claire L'Heureux-Dubé, j.s.c.
Commissioner

Counsel Who Appeared before the Commission

<i>Counsel</i>	<i>Client</i>
Joseph R. Nuss, Esq.	Commission of Inquiry
Roger D. Pothier, Esq.	Commission of Inquiry
Louis-Philippe Landry, Q.C.	The Minister of Manpower and Immigration
Pierre R. Brosseau, Esq. (until 29 October 1974)	Employees of the Department of Manpower and Immigration
Claude Céré, Esq.	Lawrence Doiron
Denis Boudreault, Esq. (from 12 November 1974)	Employees of the Department of Manpower and Immigration
Maurice Leclaire, Esq.	Subject of file 5-15731
Robert H. Dolman, Esq.	Leroy Butcher
Stephen M. Byer, Esq.	Subject of file 5-39295 Subject of file 5-34674 Subject of file 5-32639 Subject of file 5-17133 Subject of file 5-38703 Subject of file 5-41679 Subject of file 5-32740 Subject of file 5-32640
George A. Ault, Q.C.	Agnelo Filomeno Gomes Subject of file 5-69000 Subject of work permit W-6027840 Subject of work permit W-2172236 Subject of work permit W-2172251
Harry Blank, Q.C.	Subject of file 5-41679
Sidney Cutler, Esq.	Edward Bernfeld, Q.C.
J. V. Marchessault, Q.C.	Sheldon Mintzberg
Michel Robert, Esq., Bâtonnier	Bar of the Province of Quebec
Maxwell Shenker, Esq.	Jadwiga Markiewicz
Melvyn H. Aiken, Esq.	Subject of file ER3-65186

Witnesses Who Testified before the Commission

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Subject of file A-214988	1	17
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Subject of file 5-00200	3	286
Relative of subject of file 5-32330	3	319
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Lawrence Doiron	4	520 and 586
	5	621
	6	799
	84	15034
Subject of file 5-20195	4	575
Subject of file 5-27849	6	834
Subject of file 5-19845	6	844
Subject of file 5-21428	6	858
Georges-Etienne Desrochers	6	872
Subject of file 5-15731	6	981
Subject of file 5-23036	7	1042
Paul Dejean, Communauté chrétienne des Haïtiens de Montréal	7	1057
Laurier Bonhomme, Centre d'Informations et de Recherches pour Immigrants	7	1070
Donald Campbell, immigration officer	7	1084
	63	11471
Gaston Hamel, immigration officer	7	1118
Victorin Bellemare, immigration officer	7	1161
	52	9538
	74	13590
Robert Corbeil, immigration officer	7	1229
	23	3768
André Guénet, district administrator, Department of Immigration	8	1236
	71	12788
	75	13618
Claude Desmarais, bank employee	8	1309

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Lisette Lacroix, bank employee	9	1581
Denise Payant, bank employee	9	1586
Subject of file 5-25999	9	1592
	13	2124
Roger Halpin, bank employee	9	1666
Subject of file 5-29834	9	1669
	13	2181
Leroy Butcher, The Côte des Neiges Black Community Development Project Inc.	10	1725
Subject of file 5-15189	10	1748
Subject of file 5-36239	10	1772
Subject of file 5-36231	10	1801
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Subject of file 5-36218	11	1868
Subject of file 5-36241	11	1888
Subject of file 5-35913	11	1944
Subject of file 5-36221	11	1960
Subject of file 5-36237	12	1978
Subject of file 5-36242	12	1999
Subject of file 5-31351	12	2018
Subject of file 5-42579	12	2040
Subject of file 5-43015	12	2053
Subject of file 5-36109	12	2073
Subject of file 5-36005	12	2103
Subject of file 5-29766	13	2211
Mireille Gareau-Newton, immigration officer	13	2258
	71	12664
Nohad Zahabi, manager of International Trading of Canada	13	2282
Jacques Desormeaux, immigration officer	14	2296
	63	11694
Subject of file 5-32663	14	2367
Raymond Doucet, bank employee	14	2430
Myles Tyrer, bank employee	14	2434
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	21	3550
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Relative of subject of file 5-25984	15	2623
Cécile Brosseau-Dion, bank employee	15	2644 and 2708
Subject of file 5-28495	15	2650
Gaston Therrien, immigration officer	16	2712
	82	14577
	87	15836
Brian Purdon, immigration officer	16	2741
André Goyer, immigration officer	16	2860
	75	13766
Subject of file 5-33939	17	2904
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Subject of file 5-36677	17	2940
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Subject of file 5-38897	22	3597
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Subject of file 5-35943	23	3808
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Relative of subject of file 5-8138	23	3880
Swani Nath Shanker, representative of India Bazaar	23	3891
Subject of file 5-7557	23	3919
Timothy Hurther, bank employee	23	3938
Marcel Lord, bank employee	23	3947
Subject of file 5-33086	23	3952
Subject of file 5-26434	23	3995
Subject of file 5-41880	24	4018
Guy Savoie, bank employee	24	4052
	27	4752
Subject of file 5-35803	24	4062
Roger Viau, bank employee	24	4094
Subject of file 5-26664	24	4103
Subject of file 5-32775	24	4201
Richard Veillette, bank employee	25	4220
Subject of file 5-17246	25	4225
Subject of file 5-39249	25	4280
Subject of file 5-36436	25	4311
Subject of file 5-36267	25	4356
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Leslie Ann Scott, bank employee	26	4572
Vernon Spear, representative of Roger Automobiles	26	4575
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Subject of file 5-32660	27	4973
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Relative of subject of file 5-25487	28	5068
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Subject of file 5-65993	35	6800
Subject of file 5-65992	35	6835
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Rainer Laufers, consultant	44	8162
Elizabeth Pereira, employee of Immigration Visa Services of Canada	44	8277
Jitendra Vyas, interpreter	44	8303
	66	12324
Edward Bernfeld, Q.C.	45	8335
Sheldon Mintzberg, businessman	45	8419
	77	14062
Simon Richter, lawyer	45	8546
Norman Schwartz, law clerk	46	8582
	47	8832
Gilles Lanthier, employee of Bell Canada	46	8676
L. T. Darche, bank employee	46	8684
Bruce Dawe, bank employee	46	8697
Yves Périgny, bank employee	46	8705
Maurice Vincent, bank employee	46	8714
Willie Kuhn, garage owner	46	8722
Serge Bretzel, immigration officer	47	8750
Maurice Lalonde, immigration officer	47	8790
Guy Foucault, immigration officer	47	8794
Haik Zirpdji, immigration officer	47	8824
Patrick Danan, architect	48	8996
	82	14475
Stephen M. Byer, lawyer	48	9014
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André Laflamme, immigration officer	57	10503
	62	11169
Subject of file 5-38563	58	10579
Gilles Patenaude, immigration officer	59	10772
Subject of file E-10909	60	10909
Subject of file 5-32745	61	10993
Subject of file 5-21911	61	11013
Subject of file 5-2867	61	11044
Thomas Clelland, immigration officer	62	11267
Jean-Marie Courchesne, immigration officer	62	11382
Armand Boudreau, immigration officer	63	11549
Michael Chasny, immigration officer	63	11700 and 11768
Ronald Blanchet, immigration officer	63	11729
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John Arro, classification officer, Department of Manpower and Immigration, Toronto	65	11937
Victor Parness, immigration officer	65	11992
Louis Gonzague Rivard, immigration officer	65	12008
Raymond Dorris, immigration officer	65	12087
Georges Lanthier, immigration officer	65	12161
Jean-Guy Patenaude, immigration officer	65	12191
Nandi Bhatia, travel agent	66	12210
Subject of file 5-39038	66	12257
Subject of file 5-15317	66	12274
	87	15814
Bhubinder Singh Mahal, accountant	66	12301
Joseph Saul Drazen, realtor	66	12307
Subject of file 5-30199	67	12347
Subject of file 5-30214	67	12367
Subject of file 5-31863	67	12379
Subject of file 5-28571	67	12394
Subject of file 5-36090	67	12400
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Maria Ravendra, hotel clerk	68	12433
Subject of file 5-36225	68	12443
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Aaron Goldman, lawyer	70	12479
Harry Blank, Q.C.	70	12529
André Trudeau, immigration officer	71	12652
Danielle Forget, stenographer, Department of Manpower and Immigration	71	12765
Subject of file 5-40114	72	12940
Subject of file 5-44330	72	12959
Leslie Adelstein, employee of a realtor	72	13003
James MacKillican, accountant	72	13049
Dorothy Yemen, secretary, Gomes Yarns Limited	72	13087
Moses Okilman, employee of Gomes Yarns Limited	72	13119
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François Vézina, immigration officer	76	13846

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Pratap Parekh, service adviser	77	14010
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Roland Duval, immigration officer	82	14454
Wilfrid Roy, printer	82	14534
Alfredo Nunes Dos Santos, realtor	82	14642
Jadwiga Markiewicz, travel agent	83	14701
Lionel Dixon, national president, Manpower and Immigration Union of the Public Service Alliance of Canada	83	14712 and 14838
Claude Boisvert, syndic, Bar of the Province of Quebec	83	14860
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Subject of file 5-28413	85	15221
Relative of subject of file 5-28413	85	15241
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Wilfred Frank Frieday, executive director for the County of Renfrew Department of Economic Development	86	15407
Joseph Elliott Downey, manpower officer, Ontario Region, Department of Manpower and Immigration	86	15495
Subject of file ER9-65186	86	15517
Subject of file HQ3-55129	86	15600
Subject of file 5-19282	86	15624 and 15744
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Subject of file 5-41153	88	15906
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Subject of file 5-34718	88	16059
Subject of file 5-38085	89	16117
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George Maurice Mitchell, immigration officer, Stuttgart, Germany	91	16212
Joseph René Arthur Primeau, immigration officer	92	16273
Subject of file 5-24714	92	16303

List of Exhibits

- 1—Certified copy of Commission dated 30 October 1973 naming the Honourable Madame Justice Claire L'Heureux-Dubé Commissioner under Part II of the *Inquiries Act*.
- 2—Order in Council 1973-3453 dated 30 October 1973 naming the Honourable Madame Justice Claire L'Heureux-Dubé as Commissioner.
- 3—Summary and tear sheets of announcements of Commission's Notice of Hearings in Montreal newspapers between 30 March 1974 and 14 April 1974.
- 4—Copy of Immigrant Assessment Record (Imm. form 1104) dated 3 March 1972 for subject of file 5-22044.
- 5—Copy of Arrival-Departure Record for subject of file 5-25756, dated 8 September 1970.
- 6—Copy of Non-Immigrant Arrival-Departure Record for subject of file 5-25756, dated 5 October 1970.
- 7—Copy of Non-Immigrant Arrival-Departure Record for subject of file 5-25756, dated 4 December 1970.
- 8—Original and pink copy of Non-Immigrant Arrival-Departure Record for subject of file 5-25756, dated 5 March 1971.
- 9—Copy of Non-Immigrant Arrival-Departure Record for subject of file 5-25756, dated 4 December 1970.
- 10—Copy of Promissory Note in the name of subject of file 5-00200 dated 30 March 1971 in the amount of \$733.49.
- 11—Application for Permanent Residence in Canada from subject of file 5-15049, dated 30 August 1971.
- 12—Memorandum from an immigration officer dated 7 December 1971 concerning subject of file 5-15049.
- 13—Immigrant Assessment Record of subject of file 5-15049, dated 18 September 1971.
- 13A—Copy of Passport #255673 from Trinidad and Tobago for subject of file 5-25756 dated 8 May 1972 and expiring 7 May 1982.
- 14—Copy of Application for Permanent Residence in Canada from subject of file 5-25756, dated 28 January 1974.
- 15—Copy of Statutory Declaration by subject of file 5-25756.
- 16—Copy of a letter dated 6 December 1973 to Canadian Immigration, Place Alexis-Nihon, regarding subject of file 5-25756.
- 17—Copy of a social insurance card for subject of file 5-25756.
- 18—Letter dated 1 May 1973 from subject of file 5-24965 to Lawrence Doiron.

- 19—Memorandum to immigration officers from Regional Director of Operations on the “Exercise of Discretion by Immigration Officers” dated 4 July 1972.
- 20—Study of criteria to be followed by immigration officers in evaluating the “personal assessment” factor.
- 21—Directive from District Administrator, Immigration, Montreal, dated 29 March 1972, on “relations with the general public—conduct of staff”.
- 22—Directive from the District Administrator, Immigration, Montreal, dated 20 October 1972, entitled “The Improvement of Our Image—Conduct of Staff.”
- 23—Directive from the District Administrator, Immigration, Montreal, dated 11 December 1973, entitled “Development of Supervisors”.
- 24—Letter dated 8 July 1971 from District Administrator to a new staff member regarding his training agenda.
- 25—Résumé of training courses for immigration officers, 1968–1973, and list of job descriptions.
- 26—Copy of Schedule A entitled “Norms for Assessment of Independent Applicants”.
- 27—Extract from *Immigration Manual*, Chapter 4, page 32, referring to use of “Occupational and Area Demand Report”.
- 28—Extract from *Immigration Manual*, Chapter 4, pages 114 and 115, dealing with entrepreneurs from India.
- 29—Photocopy of statement of accounts #692–3 and #3237–9 relating to subject of file 5–32868.
- 30—Application for Permanent Residence in Canada from subject of file 5–32868, dated 8 November 1972.
- 31—Photocopy of Assessment Record dated 8 November 1972 for subject of file 5–32868.
- 32—Two certificates presented by subject of file 5–32868 to immigration officer at time of assessment of application: (1) certificate dated 18 October 1972; and (2) letter dated 30 May 1972.
- 33—Four certificates from subject of file 5–32868: (1) leaving certificate dated 10 October 1972; (2) original of letter dated 30 May 1972; (3) original of letter dated 26 August 1972; and (4) original of letter dated 20 July 1972.
- 34—Copy of job offer dated 3 November 1972 regarding subject of file 5–32868.
- 35—Copy of Canadian Immigration Record Card for subject of file ER3–68086.
- 36—Copy of lease for business premises signed by subject of file 5–10920.
- 37—Copy of a promissory note signed by subject of file 5–10920, dated 30 March 1972, to subject of file ER3–68086.
- 38—Copy of Statutory Declaration signed by subject of file ER3–68086 on 2 January 1973 regarding loan of \$1,800 to subject of file 5–10920.

- 39—Copy of Agreement dated 10 July 1972 between subject of file ER3-68086 and subject of file 5-25999.
- 40—Copy of a letter to landlord dated 28 July 1972 and signed by subject of file ER3-68086 and subject of file 5-10920.
- 41—Copy of letter dated 23 May 1972 signed by subjects of files ER3-68086 and 5-10920 to landlord for permission to sublet premises.
- 42—Copy of letter dated 24 May 1972 from landlord to subject of file ER3-68086.
- 43—Certified true copy of bank statement of subject of file 5-25999.
- 44—Handwritten statement of account from bank in name of subject of file 5-25999.
- 45—Statement prepared by subject of file 5-25999 regarding business dealings with subjects of files ER3-68086 and 5-10920.
- 46—True copy of Dissolution of Business between subjects of files ER3-68086 and 5-25999 dated 1 September 1972.
- 47—True copy of Declaration of Business between subjects of files ER3-68086, 5-29834 and 5-29766, dated 1 September 1972.
- 48—Bank statement for account #3044-084 in name of subjects 5-29834 and 5-29766.
- 49—Registration of Business dated 17 April 1973 in name of subjects of files 5-29766 and 5-29834.
- 50—Copy of agreement dated 30 August 1972 between subjects of files ER3-68086, 5-29834 and 5-29766.
- 51—Copy of letter dated 14 February 1973 from lawyer to Canadian Immigration Centre in Montreal regarding subjects of files 5-29766 and 5-29834.
- 52—Copy of Declaration of Business dated 30 August 1972 between subjects of files ER3-68086, 5-29834 and 5-29766.
- 53—Immigrant Assessment Record for subject of file 5-29834, dated 26 August 1970.
- 54—Article in *The Gazette*, 20 August 1973, entitled “Seduction Charged to Immigration Men Here”.
- 55—Immigrant Assessment Record for subject of file 5-15189 dated 2 September 1971.
- 56—Original of letter dated 10 January 1974 from lawyer to subject of file 5-36239.
- 57—Original of letter dated 9 January 1974 from lawyer to subject of file 5-36240.
- 58—Two original registered letters from lawyer to subject of file 5-36224, dated 9 January 1974 and 14 February 1974.
- 59—Original of a receipt #141 dated 23 November 1972 in amount of \$50 to subject of file 5-36224 signed by De Souza.
- 60—Photocopy of a letter dated 29 October 1972, signed by subject of file 5-35913, and envelope postmarked 6 November 1972.
- 61—Statutory Declaration dated 17 November 1972 signed by subject of file 5-35913.

- 62—Original of receipt dated 23 November 1972, #137, in name of subject of file 5-36221 in amount of \$50.
- 63—Photocopy of passport of subject of file 5-36221.
- 64—Letter dated 18 January 1973 from lawyer to subject of file 5-36221.
- 65—Photocopy of receipt for \$50 dated 23 November 1972 in name of subject of file 5-36237.
- 66—Photocopy of receipt #142 for \$50 dated 23 November 1972, in name of subject of file 5-36242.
- 67—Photocopy of letter dated 25 July 1972 in form of a receipt for \$250.
- 68—Photocopies of four cheques signed by subject of file 5-42579.
- 69—Photocopy of cheque in amount of \$200 signed by subject of file 5-43015.
- 70—Original of business card of lawyer regarding subject of file 5-43015.
- 71—Registered letter dated 14 January 1974 from lawyer to subject of file 5-36109 regarding Immigration Appeal Board.
- 72—Original receipt #77549 dated 22 January 1974 in amount of \$175 in name of subject of file 5-36109.
- 73—Photocopy of cheque dated 5 November 1972 in the amount of \$150 signed by subject of file 5-36005.
- 74—Registered letter from lawyer to subject of file 5-36005, dated 4 January 1974.
- 75—Copy of statement signed by subject of file 5-10920, dated 25 June 1972.
- 76—Copy of agreement between subjects of files 5-10920 and 5-25999, dated 23 June 1972.
- 77—Copy of Immigrant Assessment Record in the name of subject of file 5-29834, dated 27 October 1972.
- 78—Copy of invoice dated 26 September 1972 (marked paid).
- 79—Copy of Immigrant Assessment Record of subject of file 5-29766, dated 22 September 1972.
- 80—Copies of two memoranda by immigration officer dated 17 January 1973 and 13 February 1973 regarding subjects of files 5-29834 and 5-29766.
- 81—Copies of two reports prepared by immigration officer dated 19 January and 6 February 1973 on subject of file 5-25999.
- 82—Copy of letter dated 27 October 1972 from a bank regarding account of subject of file 5-32663.
- 83—Copy of Declaration by subject of file 5-32663, dated 17 October 1972.
- 84—Photocopies of bank account regarding subject of file 5-32758.
- 85—Photocopies of bank account regarding subject of file 5-31024.
- 86—Photocopy of Declaration of Business by subject of file 5-32758.
- 87—Photocopy of letter from bank dated 1 November 1972 regarding subject of file 5-32758.
- 88—Photocopy of Declaration of Business signed by subject of file 5-31024, dated 22 September 1972.

- 88A—Copy of Declaration of Business signed on 24 January 1973 by subjects of files 5-32758, 5-31024 and 5-32663.
- 89—Letter from bank regarding account of subject of file 5-31024.
- 90—Copy of Immigrant Assessment Record for subject of file 5-31024 dated 12 October 1972.
- 91—Copy of statement of account for subject of file 5-31024.
- 92—Copy of Application for Permanent Residence in Canada by subject of file 5-31615, dated 20 October 1972.
- 93—Copy of Immigrant Assessment Record for subject of file 5-31615, dated 20 October 1972.
- 94—Copy of report of special inquiry held on 22 March 1972 concerning subject of file 5-31615.
- 95—Copy of bank book of subject of file 5-31615.
- 96—Copy of letter from bank to Canada Immigration Centre dated 19 October 1972 regarding subject of file 5-31615.
- 97—Copy of Application for Permanent Residence in Canada from subject of file 5-25984, dated 27 June 1972.
- 98—Copy of Immigrant Assessment Record for subject of file 5-25984, dated 27 June 1972.
- 99—Copies of three school certificates relating to subject of file 5-25984.
- 100—Copy of letter from bank regarding subject of file 5-28495, dated 12 September 1972.
- 101—Copy of bank account #1130 in the name of subject of file 5-28495.
- 102—Copy of bank account #752-115 in the name of subject of file 5-28495.
- 103—A number of cheques drawn on a bank by subject of file 5-28495.
- 104—Copy of Application for Permanent Residence by subject of file 5-28495.
- 105—Business Declaration by subject of file 5-28495, dated 12 September 1972.
- 106—Seven original documents relating to order for samples from India.
- 107—Copies of exchange of telex between Immigration Ottawa and Canada Immigration Centre, Montreal, regarding subject of file 5-28495, dated 14 and 15 May 1973.
- 108—Five certificates of employment for subject of file 5-28495.
- 109—Immigrant Assessment Record for subject of file 5-28495, dated 12 September 1972.
- 110—Photocopy of form IMM 1103, Notice of Intent to apply for permanent residence by subject of file 5-34062.
- 111—Photocopy of undated letter regarding subject of file 5-34062.
- 112—Photocopy of Application for Admission to Canada of Sponsored Dependents by subject of file E3-71211 dated 27 November 1970.
- 113—Original copy of business card for Immigration Visa Services of Canada.
- 114—Original copy of business card of immigration officer, Canada Immigration Centre.

- 115—Photocopy of airline ticket from Caribbean purchased from agency.
- 116—Photocopy of Notice of Intent to apply for permanent residence by subject of file 5-33939, dated 16 October 1972.
- 117—Notice of Intent to apply for permanent residence by subject of file 5-34004, dated 19 October 1972.
- 118—Original of receipt #109 for \$50 dated 10 November 1972, issued to subject of file 5-34004.
- 119—Original of receipt #155 for \$50 dated 24 November 1972, issued to subject of file 5-34004.
- 120—Original of receipt #169 for \$100 dated 29 November 1972, issued to subject of file 5-36677.
- 121—Copy of Notice of Intent to apply for permanent residence by subject of file 5-34337, dated 20 October 1972.
- 122—Copy of letter from lawyer to subject of file 5-34337, dated 11 February 1974.
- 123—Copy of airline ticket Montreal to Kingston, Jamaica, for subject of file 5-34337.
- 124—Copy of telegram from subject of file 5-35721 to Canada Immigration Centre, Malton, dated 11 November 1972.
- 125—Original of receipt in amount of \$200 to subject of file 5-35721.
- 126—Copy of Notice of Intent to apply for permanent residence by subject of file 5-32984 dated 4 October 1972.
- 127—Photocopy of letter from immigration officer to subject of file 5-39565.
- 128—Originals of three receipts issued to subject of file 5-38313: \$100 (18 December 1972); \$20 (9 March 1973); and \$60 (25 January 1973).
- 129—Photocopies of two pages from passport of subject of file 5-38313.
- 130—Original of undated letter from Immigration Visa Services of Canada to subject of file 5-33981, envelope postmarked 6 November 1972, and business card.
- 131—Photocopy of Notice of Intent to apply for permanent residence by subject of file 5-33981.
- 132—Original of letter dated 20 September 1972 to subject of file 5-34674 from law firm.
- 133—Registration of business dated 27 November 1972 regarding subject of file 5-34674.
- 134—Registration of business dated 29 November 1972 regarding subjects of files 5-17133 and 5-34674.
- 135—Newspaper advertisement entitled “business opportunities” regarding subjects of files 5-17133 and 5-34674.
- 136—Newspaper advertisement entitled “Do you want to immigrate at Canada?”
- 137—Letter from agent in India to subject of file 5-34674, dated 12 January 1972.
- 138—Letter from agent in India to subject of file 5-34674, dated 27 January 1972.

- 138A — Translation of letter referred to in Exhibit 138.
- 139 — Undated letter, postmarked 19 March 1972, from agent in India at subject of file 5-34674.
- 139A — Translation of letter referred to in Exhibit 139.
- 140 — Four lists of names of potential immigrants.
- 141 — Copy of form letter from lawyer to prospective clients in India, showing date of 29 March 1972.
- 142 — Copy of Notice of Intent to apply for permanent residence by subject of file 5-34062, dated 14 October 1972.
- 143 — Original of receipt #77543 dated 13 April 1970 in amount of \$200 issued to subject of file 5-42621.
- 144 — Original of two cancelled cheques made payable to Immigration Visa Services in amounts of \$150 and \$60 and a certified cheque voucher dated 7 December 1972.
- 145 — Original of letter dated 22 January 1973 from lawyer to subject of file 5-42810 regarding outstanding account.
- 146 — Original of registered letter dated 14 February 1974 from lawyer to subject of file 5-42810 regarding outstanding account.
- 147 — Original of letter dated 20 December 1973 from lawyer to subject of file 5-42662.
- 148 — Copies of school and work certificates relating to subject of file 5-43375.
- 149 — Original copy of letter dated 19 June 1974 from subject of file 5-34062 to Commission Counsel Joseph Nuss.
- 150 — Original of cancelled cheque dated 18 January 1974 in amount of \$200.
- 151 — Original of letter dated 9 January 1974 from lawyer to subject of file 5-38897.
- 152 — Three cancelled cheques, dated 14 December 1972, 14 January 1973 and 14 February 1973, in amounts of \$50 each, made payable to Immigration Visa Services.
- 153 — Copy of letter from the Department of Manpower and Immigration to persons awaiting appeals.
- 154 — Copy of telegram to Immigration, Toronto International Airport, from subject of file 5-38840.
- 155 — Receipt issued to subject of file 5-38840.
- 156 — Interview form completed by immigration officer for subject of file 5-32868 dated 8 November 1972.
- 157 — Original of receipt dated 17 November 1972 issued to subject of file 5-35943 in the amount of \$100.
- 158 — Copy of Immigrant Assessment Record for subject of file 5-8138 dated 9 February 1971.
- 159 — Copy of Application for Permanent Residence (O.S.8) for subject of file 5-8138 dated 30 December 1970.
- 160 — Copy of letter dated 11 January 1971 from business to Canadian Immigration regarding employment of subject of file 5-8138.

- 161—Copy of Declaration of Registration of Business dated 20 September 1971 regarding subject of file 5-8138.
- 162—Copy of agreement of sale of business regarding subject of file 5-8138 dated 10 September 1971.
- 163—Copy of minutes of special inquiry on subject of file 5-8138 held on 22 September 1971.
- 164—Copy of letter dated 28 July 1972 from Chief, Enforcement Division, regarding subject of file 5-8138.
- 165—Copy of Immigrant Assessment Record for subject of file 5-7557 dated 20 January 1971.
- 166—Copy of letter of employment dated 20 January 1971 regarding subject of file 5-7557.
- 167—Copies of monthly accounts of business from 3 November 1972 to 1 June 1973.
- 168—Copy of signature bank card for business account of subjects of files 5-33086 and 5-25543.
- 169—Two signature bank cards for business account dated 11 May 1973 and 13 June 1972 regarding subjects of files 5-33086 and 5-25543.
- 170—Copy of signature bank cards for business accounts dated 8 August 1972 and 13 June 1972 regarding subjects of files 5-33086 and 5-25543.
- 171—Copy of bank account #4025 in name of subject of file 5-33086 and certificate of deposit control card.
- 172—Registration of Business dated 26 October 1972 regarding subjects of files 5-33086 and 5-25543.
- 173—Copy of Immigrant Assessment Record for subject of file 5-33086 dated 10 November 1972.
- 174—Copy of Application for Permanent Residence by subject of file 5-26434 dated 17 July 1972.
- 175—Copy of letter of employment dated 13 May 1972 regarding subject of file 5-26434.
- 176—Copy of Declaration by subject of file 5-26434, dated 4 January 1973, regarding false document.
- 177—Photocopy of Immigrant Assessment Record for subject of file 5-26434, dated 17 July 1972.
- 178—Copy of letter dated 17 November 1972 from immigration officer to Special Inquiry Officer regarding Report under Section 22 of *Immigration Act* on subject of file 5-41880.
- 179—Copy of letter dated 31 May 1973 from immigration officer to subject of file 5-41880 regarding special inquiry.
- 180—Original of receipt for \$100 dated 4 December 1972 issued to subject of file 5-41880.
- 181—Copy of bank account #520 of subject of file 5-8138.
- 182—Copy of cheque dated 10 September 1971 to business partner in the amount of \$3,000 signed by subject of file 5-8138.
- 183—Copy of Registration of Business dated 12 August 1970 regarding subject of file 5-8138.

- 184—Copy of letter dated 16 November 1972 from immigration officer to Special Inquiry Officer regarding subject of file 5-35803.
- 185—Copy of letter dated 6 February 1972 from Registrar, Immigration Appeal Board, to Special Inquiry Officer regarding appeal of subject of file 5-35803.
- 186—Copy of letter dated 20 November 1973 from subject of file 5-3294 to Commission Counsel Joseph Nuss.
- 187—Copies of current account #01-216-28 for business regarding subjects of files 5-35479 and 5-26664.
- 188—Copy of Report under Section 22 of the *Immigration Act* dated 22 May 1972 to Special Inquiry Officer on subject of file 5-26664.
- 189—Copy of letter dated 31 May 1972 from subject of file 5-3294 to immigration officer, Montreal International Airport, regarding detention of subject of file 5-26664.
- 190—Copy of decision of District Administrator of Immigration, Montreal, dated 21 June 1972, regarding admission of subject of file 5-26664 after inquiry.
- 191—Copy of Notice of Intent to apply for Permanent Residence by subject of file 5-26664, dated 23 June 1972.
- 192—Copy of Application for Permanent Residence from subject of file 5-26664, dated 27 July 1972.
- 193—Copy of Immigrant Assessment Record for subject of file 5-26664, dated 25 July 1972.
- 194—Copy of Declaration of Business by subject of file 5-26664, registered in District of Montreal on 30 April 1974.
- 195—Letter dated 24 July 1972 from a bank to Canadian Immigration regarding balance in business account regarding subject of file 5-26664.
- 196—Copy of Registration of Business dated 24 January 1973 regarding subjects of files 5-35479 and 5-26664.
- 197—Copies of Registration of opening and closing of business dated 22 December 1972 regarding subjects of files 5-35479 and 5-26664.
- 198—Copy of statement by subject of file 5-26664 dated 25 July 1972 to Immigration Department regarding answer to question 31(3) of O.S.8.
- 199—Letter from a bank dated 30 November 1972 regarding account of business of subject of file 5-35479.
- 200—Photocopies of bank account cards for business account #168-200-4, regarding subject of file 5-35479.
- 201—Declaration by subject of file 5-35479 regarding establishment of a business, dated 21 November 1972.
- 202—Originals of two letters dated 14 January 1960 and 24 December 1966, certifying work experience of subject of file 5-17246.
- 203—Copies of two letters dated December 1968 and January 1969 from employer in India, regarding work experience and apprenticeship of subject of file 5-23698.
- 204—Copy of Immigrant Assessment Record of subject of file 5-17246 dated 1 November 1971.

- 205—Copy of Report under Section 22 of the *Immigration Act* on subject of file 5-36436, dated 6 November 1972.
- 206—Copy of letter dated 1 November 1972 regarding subject of file 5-36436.
- 207—Copy of certificate from Department of Employment and Productivity [India] for subject of file 5-33093, dated 21 August 1970.
- 208—Copy of Declaration of Business by subject of file 5-33093, registration dated 4 October 1972.
- 209—Copy of Declaration by subject of file 5-33093 regarding dissolution of business, registration dated 1 January 1973.
- 210—Copy of Declaration of Business by subject of file 5-33093 and subject of file 5-32757, registration dated 26 October 1972.
- 211—Copy of Declaration by subject of file 5-33093 regarding dissolution of business, registration dated 15 November 1972.
- 212—Application for Permanent Residence by subject of file 5-33093 dated 10 November 1972.
- 213—Copy of Immigrant Assessment Record for subject of file 5-33093 dated 10 November 1972.
- 214—Copy of Declaration of Business by subject of file 5-32757, registration dated 4 October 1972.
- 215—Copy of Declaration by subject of file 5-32757 regarding dissolution of business, registration dated 15 November 1972.
- 216—Copy of handwritten memorandum by immigration officer, dated 8 November 1972, regarding further interview with subject of file 5-32757 for assessment as businessman.
- 217—Copies of two letters from bank in India, dated 9 December 1972 and 22 December 1972, certifying accounts and balances of subject of file 5-32757.
- 218—Copy of bank statement, dated 8 November 1972, showing balance in account of subject of file 5-32757.
- 219—Application for Permanent Residence for subject of file 5-32757 dated 11 January 1973.
- 220—Copy of handwritten statement signed by subject of file 5-32757, dated 11 January 1973, regarding desire to commence business with brother.
- 221—Copy of Immigrant Assessment Record for subject of file 5-32757, dated 11 January 1973.
- 222—Copies of bank account #1026-176 in the name of business regarding subject of file 5-26664.
- 223—Copy of letter dated 6 June 1973 certifying employment as service man for subject of file 5-32968 for 1 July 1973.
- 224—Declaration by subjects of files 5-33128 and 5-33571 to establish a business, registration dated 7 August 1972.
- 225—Application for Permanent Residence by subject of file 5-33571 dated 8 December 1972.

- 226—Immigrant Assessment Record for subject of file 5-33571 dated 8 December 1972.
- 227—Letter dated 8 January 1973 from subject of file 5-33128 to Supervisor, Manpower and Immigration, regarding dissolution of partnership with subject of file 5-33571.
- 228—Dissolution of business, registration dated 28 July 1972, regarding subject of file 5-33128.
- 229—Declaration of Business by subject of file 5-33128, registration dated 23 October 1972.
- 230—Immigrant Assessment Record for subject of file 5-33571, dated 26 January 1973.
- 231—Personal notes of immigration officer regarding interview with subject of file 5-33571 on 26 January 1973.
- 232—Minutes of special inquiry on subject of file 5-33571, held on 9 May 1973.
- 233—Offer of employment to subject of file 5-32968, dated 6 November 1972.
- 234—Copy of Immigrant Assessment Record for subject of file 5-32968, dated 7 December 1972.
- 235—Copy of minutes of special inquiry on subject of file 5-32968, held on 31 May 1973.
- 236—Immigrant Assessment Record for subject of file 5-23698, dated 17 May 1972.
- 237—Originals of two certificates dated 28 December 1962 and 30 July 1972 regarding subject of file 5-32928.
- 238—Immigrant Assessment Record for subject of file 5-32928, dated 8 November 1972.
- 239—Copy of bank account #6947-38 of business partner of subject of file 5-8138.
- 240—Letter dated 6 November 1972 from employer for subject of file 5-32924.
- 241—Originals of two certificates from employer in India, dated 27 June 1969 and 24 June 1972, concerning subject of file 5-32924.
- 242—Immigrant Assessment Record for subject of file 5-32924 dated 3 November 1972.
- 243—Immigrant Assessment Record for subject of file 5-30568 dated 15 November 1972.
- 244—Certificate from employer in India regarding subject of file 5-30596, dated 31 December 1969.
- 245—Application for Permanent Residence by subject of file 5-30596, dated 3 November 1972.
- 246—Immigrant Assessment Record for subject of file 5-30596, dated 3 November 1972.
- 247—Copy of immigration officer's notes of interview of subject of file 5-38005 on 12 January 1973.

- 248—Immigrant Assessment Record of subject of file 5-33349 dated 16 November 1972.
- 249—Two letters from lawyer to subject of file 5-33349, dated 1 March and 11 February 1974, and original of receipt for \$150, dated 1 December 1972.
- 250—Copy of letter of reference for subject of file 5-32660 from employer in India, dated 1 October 1972.
- 251—Immigrant Assessment Record for subject of file 5-32660, dated 1 October 1972.
- 252—Two certificates covering embroidery and tailoring and home craft training courses taken by subject of file 5-25487.
- 253—Letter dated 10 June 1972 regarding business shares purchased by subject of file 5-25487.
- 254—Application for Permanent Residence by subject of file 5-25487, dated 13 June 1972.
- 255—Certificate of work experience for subject of file 5-25487.
- 256—Letter dated 3 September 1970.
- 257—Application for Permanent Residence by subject of file 5-25487, dated 25 November 1970, and interoffice memos dated 13 and 23 June 1972.
- 258—Immigrant Assessment Record for subject of file 5-25487, dated 18 August 1972.
- 259—Application for Permanent Residence by subject of file 5-32639, dated 2 November 1972.
- 260—Copy of letter dated 15 October 1972 from employer regarding job offer to subject of file 5-32639.
- 260A—Original of letter referred to in Exhibit 260.
- 261—Immigrant Assessment Record for subject of file 5-32639, dated 2 November 1972.
- 262—Letter from Immigration District dated 2 November 1972 to subject of file 5-32639.
- 263—Application for Permanent Residence from subject of file 5-31831 dated 29 November 1972.
- 264—Copies of two certificates issued by employer in India on behalf of subject of file 5-31831, dated 21 September 1972 and 16 September 1972.
- 265—Three documents: (1) letter dated 8 January 1973 from employer in India confirming service certificate; (2) letter dated 25 January 1973 from employer in India confirming earlier certificate; and (3) letter dated 14 February 1973 from immigration counsellor in India regarding subject of file 5-31831.
- 266—Immigrant Assessment Record for subject of file 5-31831, dated 8 March 1973.
- 267—Copy of bond for conditional release for subject of file 5-31831, dated 24 April 1973.

- 268—Copy of page 12 of minutes of special inquiry held on 6 December 1972 on subject of file 5-36180.
- 269—Four certificates presented by subject of file 5-32929.
- 270—Apprentice card issued by Quebec Department of Labour and Manpower to subject of file 5-32929.
- 271—Immigrant Assessment Record for subject of file 5-32929, dated 9 November 1972.
- 272—Two certificates covering issue of “no obligation to return to India” for subject of file 5-30368.
- 273—Immigrant Assessment Record for subject of file 5-30568, dated 3 October 1972.
- 274—Three documents: (1) letter from employer in India dated 16 November 1960; (2) letter from employer dated 10 July 1970; and (3) certificate issued by Quebec Department of Labour and Manpower.
- 275—Handwritten sheet by lawyer regarding subject of file 5-2901.
- 276—Photocopies of two cheques to lawyer from subject of file 5-17133 in the amount of \$125 each.
- 277—Photocopies of two cheques from subject of file 5-17133 to lawyer in amounts of \$150 and \$100 regarding subject of file 5-34674.
- 278—Photocopies of two cheques from subject of file 5-17133 to lawyer in the amounts of \$278 and \$50 regarding subject of file 5-30894.
- 279—Photocopy of cheque from subject of file 5-17133 to lawyer in the amount of \$100 for legal services in case of another immigrant.
- 280—Photographs of persons present at meeting of Gujarat Society in November 1972.
- 281—Petition to the Minister of Manpower and Immigration dated 6 November 1972 with list of signatures, and reply from Minister dated 28 December 1972.
- 282—Letter dated 3 December 1972 from subject of file 5-17133, president of New Gujarat Canada (India) Association to Regional Director, Department of Manpower and Immigration, regarding formation of Association.
- 283—Original of receipt dated 28 November 1972 from Immigration Visa Services of Canada in the amount of \$200.
- 284—Original of business card of lawyer regarding subject of file 5-42148.
- 285—Registered letter dated 16 January 1974 from lawyer to subject of file 5-36016 regarding appeal.
- 286—Originals of two receipts in amount of \$50 and \$100 dated 21 December 1972 and 16 November 1972 from lawyer.
- 287—Original of receipt dated 21 December 1972, in amount of \$150, from lawyer to subject of file 5-36094.
- 288—Original of registered letter dated 3 January 1974 from lawyer to subject of file 5-35877 regarding appeal.
- 289—Original of registered letter dated 26 December 1973 from lawyer to subject of file 5-36093 regarding appeal.
- 290—Form detailing particulars of immigrant.

- 291—Two copies of letterhead stationery of Immigration Visa Services of Canada presented at hearing by subject of file A-409159.
- 292—List of names and file numbers of Stephen M. Byer.
- 292A—Original of book of Stephen M. Byer containing file numbers of Immigration Visa Services of Canada Ltd.
- 293—Original of receipt dated 29 November 1972, in amount of \$100, from Immigration Visa Services of Canada to subject of file 5-31706.
- 294—Copy of letter from lawyer to subject of file 5-35232, dated 1 December 1972, requesting he report to his office.
- 295—Original receipt to subject of file 5-40785, dated 27 November 1972, in the amount of \$100.
- 296—Originals of two cheques dated 21 November and 15 December 1972 in favor of Immigration Visa Services signed by subject of file 5-40785 for \$100 each.
- 297—Original of Statutory Declaration from subject of file 5-40785, dated 14 June 1973.
- 298—Photocopies of four newspaper articles dated 23 April, 24 July, 31 July and 3 August 1971 regarding a religious group which entered Canada through Vancouver in early 1971.
- 299—Copy of letter dated 13 July 1972 from religious association to Canada Immigration regarding subject of file 5-23505.
- 300—Five letters to Immigration, Montreal, regarding subjects of files 5-26238 and 5-23505, dated 23 June, 7 July, 1 August, 26 August and 20 September 1972.
- 301—Copy of letter dated 28 September 1972 regarding employment for subject of file 5-29170.
- 301A—Original of letter from employer.
- 302—Originals of letters from employer in India dated 25 August 1972 regarding work experience of subject of file 5-29170.
- 303—Original of a letter dated 20 October 1972 from employer regarding employment for subject of file 5-29170.
- 304—Copy of letter dated 28 September 1972 regarding application for employment from subject of file 5-29170.
- 305—Copies of the minutes of a special inquiry held on 9 November 1972.
- 306—Report from intelligence officer dated 10 January 1973 entitled "Illegal Immigration Patterns—India."
- 307—Original of business card of subject of file 5-29744.
- 308—Copy of receipt of bond from subject of file 5-29744 for six persons, in amount of \$1,000, dated 10 August 1972.
- 309—Originals of six receipts from lawyer to subject of file 5-29741, dated 13 March, 12 April, 29 June, 31 July, 23 August and 13 September 1973.
- 310—Original of receipt dated 27 November 1972 from Immigration Visa Services of Canada to subject of file 5-39071, in the amount of \$50.
- 311—Original of letter from India dated 6 June 1972 regarding partnership of subject of file 5-25648.

- 312—Application for Permanent Residence for subject of file 5-25648, dated 15 June 1972.
- 313—Copy of Declaration of Business by subject of file 5-3294, dated 14 June 1972.
- 314—Immigrant Assessment Record for subject of file 5-25648, dated 16 June 1972.
- 315—Declaration of Business of subjects of files 5-3294 and 5-25648, dated 4 July 1972.
- 316—Copy of letter signed by Peter Walker referring to fraudulent representation by subject of file 5-27902.
- 317—Copy of Declaration of Business dated 26 July 1972 by subject of file 5-27902.
- 318—Immigrant Assessment Record for subject of file 5-27902, dated 24 August 1972.
- 319—Immigrant Assessment Record for subject of file 5-27902, dated 5 July 1973.
- 320—Copy of business card of subject of file 5-35479.
- 321—Copy of letter from a bank dated 30 November 1972 regarding account in name of subject of file 5-35479.
- 322—Immigrant Assessment Record for subject of file 5-35479, dated 1 December 1972.
- 323—Copy of Partnership Deed between subjects of files 5-33128 and 5-33571 dated 6 December 1972 and copy of agreement entitled “Service Agreement—Rental” between same subjects dated 16 January 1973.
- 324—Copy of Registration of Business dated 1 November 1972 signed by subject of file 5-32783.
- 325—Application for Permanent Residence by subject of file 5-32783, dated 30 October 1972.
- 326—Copy of lease of business premises by subject of file 5-32783.
- 327—Copy of Tenant Tracer Record of landlord regarding business premises.
- 328—Copy of Registration of Business dated 27 November 1972, signed by subject of file 5-32783.
- 329—Copy of Registration of Business dated 26 April 1974, signed by subject of file 5-32783.
- 330—Immigrant Assessment Record for subject of file 5-32783, dated 30 October 1972.
- 331—Copy of letter dated 27 October 1972 regarding offer of employment for subject of file 5-32783.
- 332—Copy of Pre-Sentence Report on charge of fraud against subject of file 5-32783 by the Montreal Police Department on 21 February 1973.
- 333—Original of letter dated 27 October 1972 regarding employment experience of subject of file 5-37615.
- 334—Application for Permanent Residence for subject of file 5-37615, dated 20 November 1972.

- 335—Immigrant Assessment Record for subject of file 5-37615, dated 20 November 1972.
- 336—Original of letter dated 27 October 1972 regarding work experience of subject of file 5-44331.
- 337—Application for Permanent Residence for subject of file 5-44331, dated 20 November 1972.
- 338—Immigrant Assessment Record for subject of file 5-44331, dated 20 November 1972.
- 339—Original of cancelled cheque made to the order of Gomes Yarn Limited in amount of \$248.52 dated 27 February 1974.
- 340—Originals of: (1) letter dated 13 April 1973 from Gomes Yarns Ltd. to subject of file 5-65992 regarding amount owing of \$248.51; (2) receipt dated 27 March 1974 for \$248.51 from Gomes Yarns Ltd. to subject of file 5-65992; and (3) letter dated 13 February 1974 from Gomes Yarns Ltd. to subject of file 5-65992 following up on account.
- 341—Originals of two letters regarding employment experience of subject of file 5-31901, dated 31 July 1967 and 31 July 1972.
- 342—Application for Permanent Residence for subject of file 5-32648, dated 31 October 1972.
- 343—Original of letter dated 30 October 1972 regarding employment of subject of file 5-32648.
- 344—Originals of two letters dated 21 March 1970 and 23 May 1972, regarding work experience of subject of file 5-30664.
- 345—Immigrant Assessment Record for subject of file 5-30664, dated 20 October 1972.
- 346—Originals of two letters dated 29 December 1969 and 12 March 1963 regarding employment experience of subject of file 5-21444.
- 347—Copies of twenty-one certificates of education and employment produced at hearing by subject of file 5-33570.
- 348—Immigrant Assessment Record for subject of file 5-33570, dated 21 November 1972.
- 349—Copy of letter from Immigration Department to subject of file 3-80699, dated 18 June 1970.
- 350—Copies of subpoena served on subject of file 5-32330 for 24 September 1974 and minutes of bailiff regarding serving of the subpoena for the date indicated.
- 351—Copy of certificate dated 16 May 1972 regarding subject of file 5-28588.
- 352—Copy of certificate for subject of file 5-21330 dated 20 June 1971.
- 353—Copies of four documents relating to subject of file 5-21330: (1) certificate dated 15 January 1972; (2) certificate dated 11 December 1972; (3) certificate dated 13 January 1972; and (4) certificate dated 10 December 1972.
- 354—Original of form Quebec 2279. Interview relating to subject of file 5-38024 and two original business cards, one from lawyer and one from Immigration Visa Services of Canada.

- 355—Originals of eight cancelled cheques in amounts of \$50 each dated 15 January 1973 and 15 August 1973 from subject of file 5-38024 to Immigration Visa Services of Canada.
- 356—Copy of letter written by subject of file 5-38024 to lawyer on 14 February 1973.
- 357—The front page of newspaper *Le Jour* for 21 September 1974 containing an article by Jean-Pierre Fournier.
- 358—Application for Permanent Residence for subject of file 5-27714, dated 21 August 1972, and original of the Immigrant Assessment Record for same subject dated 21 August 1972.
- 359—Application for Admission of a son made by subject of file B-58922 on 10 January 1971.
- 360—Originals of two letters from lawyer to subject of file 5-38974, dated 20 December 1972 and 22 January 1973.
- 361—Original of receipt for \$100 in name of subject of file 5-38974 from Immigration Visa Services dated 13 November 1972.
- 362—Original of receipt #116 dated 14 November 1972 in amount of \$100.
- 363—Photocopy of telegram to Toronto International Airport requesting transfer of file for subject of file 5-38073 to Montreal.
- 364—Originals of two receipts dated 27 November 1972 and 22 February 1974 in amounts of \$100 and \$50 to subject of file 5-38473 from Immigration Visa Services.
- 365—Copy of telegram to Toronto International Airport requesting transfer of file of subject of file 5-38791 to Montreal.
- 366—Original of receipt dated 23 November 1972 to subject of file 5-36229, in amount of \$50.
- 367—Original of receipt dated 13 June 1973 to subject of file 5-36229, in amount of \$50.
- 368—Original of receipt to subject of file 5-36228, dated 23 November 1972, in amount of \$50.
- 369—Original of letter from lawyer to subject of file 5-32760, dated 16 October 1972, regarding job offer.
- 370—Immigrant Assessment Record for subject of file 5-32760, dated 30 October 1972.
- 371—Copies of three school certificates produced at hearing by subject of file 5-32760.
- 372—Original of two receipts dated 11 November 1972 and 16 March 1973 to subject of file 5-40854 from Immigration Visa Services in the amount of \$200 each.
- 373—Originals of four cheques payable to Immigration Visa Services dated 11 December 1972, 11 January 1973, 11 February 1973 and 11 March 1973.
- 374—Original of receipt from Immigration Visa Services dated 11 November 1972.
- 375—Original of receipt dated 23 November 1973 from Immigration Visa Services to subject of file 5-39902 in the amount of \$100.

- 376—Statement by subject of file 5-36273 to Chief of Service, Dorval, dated 11 January 1973 regarding voluntary departure from Canada and copy of receipt of passport signed by same subject.
- 377—Original of receipt dated 14 February 1973 to subject of file 5-38079 from lawyer for \$50.
- 378—Copy of passport in name of subject of file 5-41679 bearing #244200.
- 379—Application for Permanent Residence from subject of file 5-41679, dated 12 August 1974.
- 380—Copies of birth certificates regarding subject of file 5-41679.
- 381—Original of cheque signed by subject of file 5-38421 to Immigration Visa Services dated 23 February 1973 in the amount of \$50.
- 382—Tear sheet from newspaper *Le Jour* containing article on Commission of Inquiry.
- 383—Original of letter dated 1 November 1972 signed by subject of file 5-35817 to Canada Immigration, Montreal.
- 384—Envelope addressed to Canada Immigration Centre, Montreal, showing postmark of 6 November 1972.
- 385—Original of Statutory Declaration dated 10 November 1972 signed by subject of file 5-35817.
- 386—Original of Statutory Declaration dated 14 November 1972 signed by subject of file 5-35817.
- 387—Original of receipt (#180) dated 5 December 1972 to subject of file 5-38262 from Immigration Visa Services in the amount of \$50.
- 388—Three documents produced by subject of file 5-35740.
- 389—Copy of letter dated 13 March 1973 from lawyer to Clerk of the Peace, Montreal.
- 390—Original copy of Declaration signed by Sheldon Allan Mintzberg regarding operation of business known as "Immigration Visa Services of Canada", registration dated 30 October 1972.
- 391—Registration of Cessation of Business known as "Immigration Visa Services of Canada", dated 28 November 1972.
- 392—Letter from Mintzberg to Byer dated 27 November 1972 regarding cessation of business.
- 393—Registration of Business of "Immigration Services Reg'd.", dated 28 November 1972.
- 394—Registration of Cessation of Business known as "Immigration Services Reg'd.", dated 15 December 1972.
- 395—Copies of six bank signature cards.
- 396—Copy of Declaration of Business by Sheldon Allan Mintzberg, registered 30 October 1972.
- 397—Copy of Declaration of Cessation of Business by Sheldon Allan Mintzberg, registered 28 November 1972.
- 398—Copy of three sheets of current bank account of Immigration Visa Services of Canada.
- 399—Copy of current bank account of Immigration Visa Services of Canada and original of cancelled cheques dated 30 October 1972 and balance of account notice.

- 400—Documents including statement of bank account and originals of cancelled cheques of Immigration Visa Services of Canada.
- 401—Documents including statement of bank account and cancelled cheques of Immigration Visa Services of Canada.
- 402—Copy of minutes of special inquiry on subject of file 5-36232, held on 11 January 1973.
- 403—Copy of minutes of special inquiry on subject of file 5-42583, held on 21 November 1973.
- 404—Copy of minutes of special inquiry in case of subject of file 5-36019, held at Dorval on 12 December 1972.
- 405—Copy of minutes of special inquiry in case of subject of file 5-42869, held at Dorval on 15 November 1972.
- 406—Originals of notes regarding cases handled for Immigration Visa Services.
- 407—Original of bank statement dated 28 October 1972 signed by S. Mintzberg and Stephen M. Byer regarding operation of business under the firm name of Immigration Visa Services of Canada.
- 408—Photocopy of prototype of business card for Immigration Visa Services of Canada.
- 409—Copy of printer's order forms covering business cards and letterhead for Immigration Visa Services of Canada.
- 410—Copy of printer's order covering 500 copies of form "Procuration" for immigrants.
- 411—Copy of printer's order covering 2,000 counter cheques.
- 412—Black notebook entitled "Returned Cheques" of Immigration Visa Services.
- 413—Form of statement of Immigration Visa Services of Canada.
- 414—Copy of letter dated 2 November 1972 to Canadian Immigration Centre regarding desire to apply for permanent residence.
- 415—Copy of letter dated 30 October 1972 signed by subject of file 5-38008 to Canada Immigration Centre regarding desire to apply for permanent residence.
- 416—Tear sheet from *Montreal Star* of 29 October 1974 containing article on Commission hearing.
- 417—Photocopy of form signed by subject of file 5-38856 to Immigration Visa Services, giving authority to act on his behalf.
- 418—Original of receipt dated 28 November 1972 from Immigration Visa Services of Canada to subject of file 5-34010 in amount of \$100.
- 419—Original of letter dated 30 October 1972 to Canada Immigration and signed by subject of file 5-38008 regarding desire to apply for landed status.
- 420—Original of envelope postmarked 6 November 1972 addressed to Canada Immigration Centre.
- 421—Original of receipt to subject of file 5-33697 for \$200 dated 24 October 1972.

- 422—Originals of two cheques dated 23 January and 27 February 1973 payable to Immigration Visa Services and signed by subject of file 5-33697 and original of one receipt dated 21 December 1973 in the amount of \$25.
- 423—Original of receipt dated 6 December 1972 for \$100 from Immigration Visa Services of Canada to subject of file 5-32703, and business card from Immigration Visa Services of Canada.
- 424—Original of three money orders in amounts of \$50, \$12 and \$12, and original letter dated 11 February 1974 from lawyer to subject of file 5-38402.
- 425—Two originals of certificates of employment from India of subject of file 5-31440.
- 426—Copy of university certificate for subject of file 5-31440 dated 30 November 1971.
- 427—Copy of education certificate of subject of file 5-32640 and original of letter dated 28 December 1970 regarding employment of same subject.
- 428—Immigrant Assessment Record for subject of file 5-32640, dated 27 November 1972.
- 429—Original of letter dated 21 September 1972 regarding work experience of subject of file 5-33140, and original letter dated 25 December 1970 for same subject.
- 430—Immigrant Assessment Record for subject of file 5-33140, dated 14 November 1972.
- 431—Copy of Registration of Business by subject of file 5-3294 dated 26 May 1970.
- 432—Copy of lease of premises by subject of file 5-3294.
- 433—Copies of two certificates of permit issued by City of Montreal to subject of file 5-3294 on 13 July 1972.
- 434—Copy of lease of premises by subject of file 5-3294.
- 435—Copy of university certificate issued to subject of file 5-3294 on 16 June 1959.
- 436—Copy of lease of premises signed by subject of file 5-3294 on 28 June 1972.
- 437—Copy of letter to landlord, dated 3 January 1972 (with postal registration receipt dated 3 January 1973) from subject of file 5-3294 regarding termination of lease of premises.
- 438—Copy of Temporary Admission permit stamped by Customs Immigration, Montreal, 16 August 1972.
- 439—Copy of Immigrant Assessment Record for subject of file 5-95409, dated 20 September 1972.
- 440—Original of letter dated 3 October 1972 from subject of file 5-95409 to immigration officer, Montreal, regarding move to Toronto.
- 441—Immigrant Assessment Record on subject of file 5-95409, dated 19 October 1972.
- 442—Copy of Partnership Deed dated 1 April 1972 between subjects of files 5-95409, 5-33571 and another person.

- 443—Copy of Declaration dated 12 August 1972.
- 444—Copy of Declaration of Business at Registry Office, Toronto, dated 8 December 1972, by subject of file 5-95409.
- 444A—Copy of Declaration of Business registered at Montreal, 30 October 1972.
- 445—Copy of lease of premises signed by subject of file 5-95409 on 1 December 1972.
- 446—Copy of minutes of special inquiry on subject of file 5-95409, held at Toronto on 10 January 1973.
- 447—Copies of school certificates dated 24 October 1963, and certificate of service dated 13 August 1971 for subject of file 5-29129.
- 448—Copy of university certificate to subject of file 5-33105 dated 4 October 1962.
- 449—Copies of documents of subject of file 5-33105 including certificates of employment, etc.
- 450—Copy of letter from subject of file 5-32712 to Immigration District, Montreal, dated 24 July 1973, regarding change of address and representation by counsel.
- 451—Original of letter dated 2 November 1972 from subject of file 5-38563 to Canada Immigration, Montreal, regarding desire to apply for landed status.
- 451A—Original of envelope addressed to Canada Immigration Centre, Montreal, bearing postmark of 8 November 1974.
- 452—Original of Statutory Declaration by subject of file 5-38563, dated 14 November 1972.
- 453—Original of three receipts from Immigration Visa Services to subject of file 5-38563 dated 12 February, 20 March and 23 April 1973.
- 454—Minutes of special inquiry on subject of file 5-38563 held on 24 April 1973.
- 455—Affidavit by garage owner, dated 10 May 1974.
- 456—File #1174 from the records of Stephen M. Byer.
- 457—Tear sheet from 14 November 1974 issue of *Le Devoir*.
- 458—Tear sheets from 14 November 1974 issue of *La Presse*.
- 459—File #1052 from the records of Stephen M. Byer.
- 460—Original of letter dated 2 November 1972 signed by subject of file 5-38563 to Immigration, Montreal.
- 461—Minutes of special inquiry on subject of file 5-38563 held on 24 April 1973.
- 462—Copy of letter dated 5 January 1970 relating to subject of file 5-31024.
- 463—Copy of physician's letter concerning physical condition of subject of file 5-32745.
- 464—Memorandum dated 1 December 1974 on subject of file 5-35479.
- 465—Copy of memorandum from immigration officer regarding subject of file 5-35479.
- 466—Copies of memorandum dated 5 March 1973 regarding subject of file 5-27902 and letter dated 12 March 1973 regarding subject of file 5-27902.

- 467—Admission Record and Employment Visa #W-2172225 issued on 21 October 1973.
- 468—Admission Record and Employment Visa #W-6027840 issued on 25 November 1974.
- 469—Admission Record and Employment Visa #W-2172236 issued on 30 September 1974.
- 470—Admission Record and Employment Visa #W-6027836 issued on 25 November 1974.
- 471—Copy of letter regarding employment history of one worker.
- 472—Admission Record and Employment Visa #W-2172251 issued on 21 October 1974.
- 473—Admission Record and Employment Visa #W-6027825 issued on 25 November 1974.
- 474—Copy of telegram to Toronto International Airport requesting transfer of file 5-39038.
- 475—Statutory Declaration made by interpreter on 27 June 1973 regarding \$50 given to Special Inquiry Officer by subject of file 5-38085.
- 476—Copy of bank statement of subject of file 5-30199.
- 477—Notes of interview with subject of file 5-31863.
- 478—Original of card (form Quebec 2274): notice to immigrants regarding free services of immigration officers.
- 479—Original cheque to Immigration Visa Services dated 20 November 1972 in the amount of \$100.
- 480—Photocopy of business card.
- 481—Photocopy of picture of Stephen M. Byer from R.C.M.P. file.
- 482—Receipt from Immigration Visa Services dated 24 November 1972 to subject of file 5-36225 for \$50.
- 483—Letter from a bank dated 7 June 1974 with photocopies of account for subject of file 5-28495.
- 484—Letter from a bank dated 24 May 1974 regarding account of subject of file 5-28495.
- 485—Photocopy of cheque dated 16 September 1971 from subject of file 5-8138 in the amount of \$3,000.
- 486—Extract from *Immigration Manual* (24.01) covering Minister's remarks to Parliamentary Committee on Immigration dated 18 April 1967.
- 487—Statement by the Honourable Bryce Mackasey, on 22 June 1972, regarding measures to accelerate review of immigration cases.
- 488—Copy of directive from J. C. Best to Director General regarding exercise of discretionary authority, dated 25 November 1971.
- 489—Copy of Regional Directive dated 23 December 1971 regarding discretionary power.
- 490—Copies of Regional Directives dated 14 December 1971 and 4 July 1972 regarding discretionary power.
- 491—Original letter from lawyer to subject of file 5-40114, dated 4 February 1974, regarding outstanding account.

- 492—Certificate regarding subject of file 5-44330, dated 1 July 1972, regarding work experience.
- 493—Extract from passport issued to subject of file 5-44330.
- 494—Photocopy of Corporations Tax Return and Balance Sheet for Gomes Yarns Limited for fiscal year ending 28 February 1973.
- 495—Photocopy of Corporations Tax Return and Balance Sheet for fiscal year ending 28 February 1974 for Gomes Yarns Limited.
- 496—Photocopy of breakdown of reproduction costs of Gomes Yarns Limited, 31 March 1974.
- 497—Original of cancelled cheque #30 dated 31 May 1972, in the amount of \$1,533.55.
- 498—Originals of 112 cancelled cheques issued between 28 April 1972 and 19 December 1972 by Gomes Yarns Limited.
- 499—Photocopy of copy of receipt dated 11 April 1973 covering rent from 1 May 1972 to 31 December 1972.
- 500—Original of lease of premises rented by subject of file 5-32757 registered 12 October 1972.
- 501—Originals of two files from Stephen M. Byer's records complete with documents on subject of file 5-2901.
- 502—Chart prepared by Montreal Immigration District showing entrepreneurs applying between 1970 and 1973 in Montreal District.
- 503—Copy of text of Mr. André Guénet, District Administrator, explaining statistics on entrepreneurs contained in chart filed as Exhibit #502.
- 504—Form letters and forms relating to medical examination of immigrants (seven documents).
- 505—Series of letters and memoranda relating to immigration agents and consultants and advice to persons of free services of Immigration Department.
- 506—File containing documents relating to liaison with various ethnic groups in Montreal.
- 507—Copies of memoranda relating to "Non-Immigrant control—Inquiries at International Airports between Quebec and Ontario regions" issued in January 1973.
- 508—Copy of minutes of special inquiry in the case of subject of file 5-36436 held on 2 and 5 January 1973.
- 509—Original of notes of immigration officer's interview with subject of file 5-36436 on 6 November 1972.
- 510—Original of undated letter from subject of file 5-32969 to Immigration District, Montreal, advising of change of address.
- 511—Original of letter dated 5 November 1972 offering employment to subject of file 5-32969.
- 512—Notice of Intent to apply for permanent residence completed by subject of file 5-34014 on 16 October 1972.
- 513—Extract from bank book (folio 14033) covering months of October, November and December 1972 of subject of file 5-34014.
- 514—Photocopy of inside cover of S. M. Byer's file #1088 for subject of file 5-34014.

- 515—Work certificate for subject of file 5-31852, dated 12 December 1968.
- 516—Work certificate for subject of file 5-31852, dated 2 August 1972.
- 517—Photocopy of page of passport of subject of file 5-69000 showing date of entry into Canada.
- 518—Admission Record and Employment Visa #W-2170033 issued to subject of file 5-69000 on 12 March 1973.
- 519—Admission Record and Employment Visa #W-3741172 issued to subject of file 5-69000 on 14 January 1974.
- 520—Admission Record and Employment Visa #W-4751515 issued to subject of file 5-69000 on 13 March 1974.
- 521—Admission Record and Employment Visa #W-3741323 issued to subject of file 5-69000 on 8 April 1974.
- 522—Admission Record and Employment Visa #W-3741334 issued to subject of file 5-69000 on 6 May 1974.
- 523—Copy of Minister's Permit dated 20 December 1974 issued to subject of file 5-69000.
- 524—Copy of "Power of Attorney" form of Immigration Visa Services and signed by subject of file 5-36020.
- 525—Minutes of special inquiry on subject of file 5-38085 held on 22 January 1973.
- 526—Report of immigration officer dated 26 January 1973 regarding subject of file 5-38085.
- 527—Photocopy of envelope #61397.
- 527A—Pink slip containing sample of business card for Immigration Visa Services.
- 527B—Original of delivery slip dated 16 October 1972 from printer.
- 527C—Original of delivery slip dated 23 October 1972 from printer.
- 527D—Original delivery slip dated 27 October 1972 from printer.
- 527E—Original of sheet containing name and telephone number of S. Mintzberg.
- 527F—Envelope bearing address 1405 Peel Street, Montreal.
- 527G—Original copy of letterhead, Immigration Visa Services of Canada.
- 527H—Business card for Immigration Visa Services of Canada.
- 528—Photocopy of envelope #61459.
- 528A—Two business cards for Immigration Visa Services of Canada.
- 528B—Original of order form dated 27 October 1972 for 5,000 business cards for Immigration Visa Services of Canada.
- 529—Photocopy of envelope #61483.
- 529A—Delivery slip dated 7 November 1972 for 500 "Power of Attorney" forms.
- 529B—"Power of Attorney" form.
- 530—Photocopy of envelope #61484.
- 530A—Delivery slip dated 6 November 1973 for 2,000 counter cheques.
- 530B—Cheque sample for Immigration Visa Services of Canada.
- 530C—Copy of cheque for Immigration Visa Services of Canada.

- 531—Plan of subdivision of part of Lots 1974 and 195 Parish St. Hubert.
- 532—Copy of Option to subject of file ER3-65186 to purchase Lots 195 (71 to 101) and 194 (104 to 119) located in St. Hubert, Quebec.
- 533—Copy of Confirmation Certificate (promise of sale).
- 534—Copy of Contract for Deed.
- 535—Copy of Contract for Deed signed by subject of file 5-38626, dated 3 October 1972.
- 536—Copy of Report under Section 22 of the *Immigration Act* on subject of file 5-36233.
- 537—Copy of Constitution of the Public Service Alliance of Canada, effective 30 March 1973.
- 537A—Copy of the Constitution of the Public Service Alliance of Canada in effect from 30 January to 30 March 1973.
- 538—Copy of current By-Laws of the Manpower and Immigration Union of the Public Service Alliance of Canada, effective 3 June 1972, amended January 1973.
- 538A—Copy of the By-Laws of the Manpower and Immigration Union of the Public Service Alliance of Canada, effective 22 June 1969, amended 17 September 1970.
- 539—Copy of current Rules of the Montreal Local, Manpower and Immigration Union of the Public Service Alliance of Canada, effective 1 July 1973.
- 539A—Copy of the By-Laws and Regulations, Quebec Branch of the Manpower and Immigration Union of the Public Service Alliance of Canada, effective 1 February 1971.
- 540—Copy of article in *Le Devoir* dated 10 April 1973.
- 541—Copy of article in *Le Devoir* dated 11 April 1973.
- 542—Copy of article in *Le Devoir* dated 14 April 1973.
- 543—Copy of telephone message from President, Manpower and Immigration Union, Public Service Alliance of Canada, to Mr. A. Goyer, Department of Manpower and Immigration, on 10 April 1973 regarding articles in *Le Devoir*.
- 544—Copy of confidential bulletin signed by the President, Montreal Local, to staff of region.
- 545—Copy of *Manpower and Immigration Record* for April, 1974, containing editorial regarding Commission of Inquiry, Montreal.
- 546—Copy of telex from the President, Manpower and Immigration Union, Public Service Alliance of Canada, to all locals, regarding establishment of Commission of Inquiry, dated 14 August 1973.
- 547—Photocopy of letter from President, Manpower and Immigration Union, to Assistant Deputy Minister (Operations), Department of Manpower and Immigration, dated 28 August 1973, regarding administrative inquiry on Brian Purdon.
- 548—Photocopy of letter from Assistant Deputy Minister (Operations), Department of Manpower and Immigration, to President, Manpower and Immigration Union, Public Service Alliance of Canada, dated 20 September 1973, regarding inquiry on Brian Purdon.

- 549—Copy of the By-Laws of the Bar of the Province of Quebec.
- 550—Photocopy of business card and photocopy of certificate of employment for subject of file 5-29735, dated 26 March 1973.
- 551—Letter from sister of subject of file 5-28413, dated 17 September 1972.
- 552—Original of a receipt from Immigration Visa Services of Canada to subject of file 5-34674, dated 30 November 1972, in the amount of \$100.
- 553—Extracts from the *Gazette Officielle du Québec*: (1) Bar Act, Tariff of legal fees, 1 February 1975; and (2) Legal Aid Act, Tariff of fees, 8 January 1975.
- 554—Booklet “Loi d’aide juridique et règlement”.
- 555—Project book relating to Jari Industries Limited.
- 556—Copy of letter from W. F. Frieday, Executive Director, Department of Economic Development, Renfrew County, Ontario.
- 557—Copy of telegram from T. S. Reeves, Immigration Office, Ottawa, to Joe Downey, Manpower Operations, Toronto, regarding workers for Gold Threads Ltd., Arnprior.
- 558—Copy of Registration of Business dated 25 April 1972.
- 559—Original of business card of subject of file ER3-65186, Manager.
- 560—Copy of Deed for St-Hubert land dated 8 October 1973.
- 561—Copy of Deed for St-Hubert land dated 25 July 1972.
- 562—Copy of Deed for St-Hubert land dated 9 January 1972.
- 563—Copy of Deed for St-Hubert land dated 9 June 1972.
- 564—Bank documents relating to subject of file 5-29735 in August 1972.
- 565—Certificate regarding subject of file 5-19282 dated 14 April 1973.
- 566—Original interview sheet completed by immigration officer regarding interview with subject of file 5-34718 on 6 April 1973.
- 567—Originals of two receipts dated 21 June 1973 and 30 March 1973 in amounts of \$50 and \$200.
- 568—Original of job letter for subject of file 5-38085 dated 12 April 1973.
- 569—Original of envelope containing notes regarding special inquiry of subject of file 5-38085.
- 570—Original of cover of S. M. Byer’s file #1133 for subject of file 5-38085.
- 571—Copy of Preface to Chapter 3, *Immigration Manual*, entitled “Code of Conduct”.
- 572—Copy of *Interviewing as an Aid to the Immigration Officer—A Self-Instruction Manual*.
- 573—Copy of Announcement of Competition for Examination Officers, dated 26 January 1973.
- 574—Copy of Announcement of Competition for Senior Examination Officers, dated 1 September 1972.
- 575—Copy of Oath of Allegiance and Oath of Office and Secrecy sworn by Lawrence Doiron on 25 April 1967.
- 576—Copy of Oath of Allegiance and Oath of Office and Secrecy sworn by Georges-E. Desrochers on 10 April 1961.

- 577—Copy of Oath of Allegiance and Oath of Office and Secrecy sworn by Gaston Therrien on 17 July 1969.
- 578—Copy of Oath of Allegiance and Oath of Office and Secrecy sworn by René Primeau on 5 May 1967.
- 579—Immigrant Assessment Record for subject of file 5-4058.
- 580—Immigrant Assessment Record for subject of file 5-22259.
- 581—Immigrant Assessment Record for subject of file 5-15189.
- 582—Immigrant Assessment Record for subject of file 5-21428.
- 583—Immigrant Assessment Record for subject of file ECH-6987.
- 584—Immigrant Assessment Record for subject of file 5-15731.
- 585—Copy of Oath of Allegiance and Oath of Office and Secrecy sworn by Brian Purdon on 6 November 1967.
- A1—Copy of Commission dated 14 August 1975 appointing the Honourable Madame Justice Claire L'Heureux-Dubé a Commissioner under Part II of the *Inquiries Act*.
- A2—Copy of authorization, consent and admission signed by Victorin Bellemare on 18 August 1975.
- A3—Copy of authorization, consent and admission signed by Gaston Therrien on 18 August 1975.
- A4—Copy of authorization, consent and admission signed by René Primeau on 18 August 1975.
- N.D. 1—Commission issued to Mr. Bruno Pateras, Q.C., by the Honourable Madame Justice Claire L'Heureux-Dubé dated 30 January 1975.
- N.D. 2—Oath taken by Mr. Bruno Pateras, Q.C., in connection with Commission, New Delhi, India.
- N.D. 3—Letter from Commissioner to subject of file 5-25543, dated 17 January 1975, concerning Commission in India.
- N.D. 4—Copy of Declaration of Business registered 5 November 1971.
- N.D. 5—Copy of Dissolution of Business dated 6 June 1972.
- N.D. 6—Copy of Registration of Business dated May 1972.
- N.D. 7—Copy of Marriage Certificate of subject of file 5-25543 dated 28 July 1972.
- N.D. 8—Copy of Marriage Contract of subject of file 5-25543 dated 26 July 1972.
- N.D. 9—Copy of Declaration of Business dated 23 October 1972 of subjects of files 5-33086 and 5-25543.
- N.D. 10—Letter dated 17 February 1975 from subject of file 5-25543 to Commissioner.
- LON 1—Telex message from T. S. Reeves, Immigration, to Director, Manpower Operations, Toronto, concerning recruitment of workers for Gold Threaders Limited, Arnprior, Ontario.
- LON 2—Telex message from G. M. Mitchell, Acting Director, Operations, to Immigration, New Delhi, India, dated 10 November 1971.
- LON 3—Confirmation of telex message referred to in exhibit LON 2.
- LON 4—Telex message from G. M. Mitchell, Immigration, Ottawa, to New Delhi, regarding approval of entry of twelve workers for Gold Threaders Ltd. of Arnprior, Ontario.

- LON 5—Letter dated 12 January 1972 from W. F. Friday, Department of Economic Development, County of Renfrew, to J. E. Downey, Manpower, Ontario Region, concerning Gold Threaders Ltd. of Arnprior, Ontario.
- LON 6—Letter dated 24 January 1972 from A. F. Gomes to G. M. Mitchell regarding workers for Gold Threaders Ltd., Arnprior, Ontario.
- LON 7—Telex message from Immigration, New Delhi, to G. M. Mitchell, Immigration, Ottawa, concerning workers for Gold Threaders Ltd., Arnprior, Ontario.
- LON 8—Letter dated 31 January 1972 from A. A. Ewen, Immigration, Ottawa, to Manager, Canada Manpower Center, Arnprior, concerning Gold Threaders of Canada Ltd.

List of Dates and Places of Hearings

NOTE: All hearings took place in Montreal unless otherwise stipulated.

23 April 1974	24 September 1974	10 December 1974
24 April 1974	25 September 1974	11 December 1974
25 April 1974 (<i>in camera</i>)	27 September 1974	18 December 1974
30 April 1974	30 September 1974	19 December 1974
1 May 1974	1 October 1974	7 January 1975
2 May 1974	2 October 1974	8 January 1975
7 May 1974	3 October 1974	9 January 1975
8 May 1974	8 October 1974	14 January 1975
9 May 1974	9 October 1974	16 January 1975
14 May 1974	10 October 1974	20 January 1975
15 May 1974	22 October 1974	21 January 1975
16 May 1974	23 October 1974	22 January 1975
21 May 1974	24 October 1974	(Vancouver, B.C.)
22 May 1974	25 October 1974	28 January 1975
23 May 1974	28 October 1974	29 January 1975
12 June 1974	29 October 1974 (<i>in camera</i>)	30 January 1975
13 June 1974	30 October 1974	5 February 1975
14 June 1974	31 October 1974	17 February 1975*
19 June 1974	4 November 1974	18 February 1975
20 June 1974	5 November 1974	19 February 1975
21 June 1974	12 November 1974	25 February 1975
25 June 1974	13 November 1974	14 March 1975
26 June 1974	14 November 1974	(London, England)
27 June 1974	15 November 1974	20 March 1975
28 June 1974	19 November 1974	7 April 1975
2 July 1974	25 November 1974	15 April 1975
3 July 1974	26 November 1974	13 May 1975
4 July 1974	27 November 1974	22 May 1975
5 July 1974	28 November 1974	27 May 1975
10 September 1974	3 December 1974	29 May 1975
12 September 1974	4 December 1974	30 May 1975
13 September 1974	5 December 1974	3 June 1975
17 September 1974	6 December 1974	17 June 1975
18 September 1974	9 December 1974	19 August 1975
19 September 1974		

*Bruno Pateras, Q.C., took evidence of a witness in India, pursuant to a Commission issued to him.

The Legal and Administrative Framework of Immigration

The purpose of this study is, first, to present a summary of immigration laws in effect during the period (largely 1972) of most concern to the Commission of Inquiry; and, second, to describe the organization and way of working of the Department so that the various steps involved in processing a file can be better understood.

A. IMMIGRATION LAW

The present *Immigration Act*, R.S.C. 1970, Ch. I-2, came into force in 1952, replacing all previous immigration legislation. Between 1952 and 1970 only five minor amendments to the *Act* were made. The major post-1952 changes in Canada's immigration policy have been accomplished through amendments to those regulations made pursuant to the *Act*.

1. The 1967 Regulations

P.C. 1967-1616 of August 16, 1967

It was these regulations which permitted persons who had entered Canada legally for a temporary period (i.e., visitors) to make application for permanent residence while still in Canada. The new regulations established four admissible classes of immigrants, provided they complied with the requirements set out in the regulations:

a) *Sponsored dependents*. Persons residing in Canada who were Canadian citizens or legally admitted to Canada for permanent residence were permitted to sponsor for admission for permanent residence any of the following persons: husband, wife, fiancé(e) and unmarried children under twenty-one years of age; parents or grandparents sixty years of age or over or under sixty years of age if incapable of gainful employment or widowed, and any accompanying immediate family of that father, mother, grandfather or grandmother; any brother, sister, nephew, niece, grandson or granddaughter of that person who was an orphan and under eighteen years of age; any adopted son or daughter who was adopted under the age of eighteen years and who at time of sponsorship was under twenty-one years of age and unmarried; any child under the age of thirteen years whom the sponsor intended to adopt; and finally, where the sponsor had no relations as described above, one person from amongst his next closest relatives and any accompanying family [section 31].

b) *Nominated relatives*. Persons residing in Canada who were Canadian citizens or landed immigrants were permitted to nominate for admission to Canada for permanent residence any son or daughter twenty-one years of age or over; any married son or daughter of that person under twenty-one years of age; any brother, sister, father, mother, grandfather or grandmother under the age of sixty; and any nephew, niece, uncle, aunt, grandson or granddaughter [section 33].

c) *Independent applicants*. Persons without sponsors or nominators [section 32].

d) *Applicants in Canada*. A person who had been allowed to enter and remain in Canada as a non-immigrant under subsection (1) of section 7 of the *Act* other than those specifically excluded in section 34.

The 1967 amendments introduced a "point system", officially described in Schedules A and B of the 1967 immigration regulations as "Norms for Assessment of Independent Applicants and Nominated Relatives". This will be dealt with in great detail later.

2. The 1972 Regulations

P.C. 1972-2502 of 6 November 1972, and P.C. 1972-3073 of 21 December 1972

In 1972 two major revisions were made in the immigration regulations. The first revoked the section of the regulations which had permitted non-immigrants in Canada to apply for permanent residence. The second amendment, coming into effect on January 1, 1973, introduced what came to be known as "the work permit". Section 3 (c) (1) of the new regulations provided in part that "no person may enter Canada as a non-immigrant for the purpose of engaging in employment . . . unless he is in possession of a valid employment visa."

A closer control of the duration of visits of non-immigrants was also established by the 1972 changes.

3. The *Immigration Appeal Board Act*, R.S.C. 1970, Ch. I-3

This *Act* provided for the first time a right of appeal to an independent body by persons ordered deported. The same right was given to persons who had made application for the admission into Canada of relatives as defined in the *Immigration Act*, and whose applications had been refused.

The *Immigration Appeal Board Act* provided that the Board was to consist of not less than seven or more than nine members, to be appointed by the Governor General in Council. The Board, in the exercise of its jurisdiction, possessed the same powers, rights and privileges as are vested in a Superior Court of record. In cases of deportation, in addition to ruling on the legal correctness of a deportation order, the Board could consider compassionate or humanitarian factors in reaching a decision to quash or stay an order to deport. In practical terms, any person who was refused admission at a port of entry or who was ordered deported was entitled to have the decision reviewed by the Immigration Appeal Board.

Shortly after the Board had been established, it became apparent that the number of cases it would hear had been grossly underestimated. The new entitlement of visitors to apply for landing while in Canada generated an increasing number of applications for permanent residence at immigration offices across the country. The number of refusals increased proportionately, with many of those ordered deported resorting to appeal. The long delays in getting these cases scheduled for formal hearing meant that numerous individuals were allowed to stay in Canada and work for up to two years pending their appeal.

The 1972 administrative adjustment of status program known as Project 80 partially relieved the pressure, but the government was still obliged in

November of that year to revoke a visitor's right to apply for landing while in Canada. Even then, it became necessary to revise the *Act*. Amendments passed by parliament in 1973 did away with the right of appeal for persons denied entry (i.e., visitors) and those refused at assessment, restricting the right to four categories of people:

1. landed immigrants;
2. persons seeking admission to Canada as immigrants or non-immigrants at a port of entry and in possession of an immigrant or non-immigrant visa issued outside Canada by an immigration officer;
3. persons who claimed the status of refugees; and
4. persons who claimed to be Canadian citizens.

4. The Special Programs

In 1972 and 1973 the government initiated special programs in an attempt to reduce the tremendous backlog of cases awaiting special inquiry and hearings before the Immigration Appeal Board. These programs were of particular significance to the Commission of Inquiry, since a number of subjects of files investigated gained landed immigrant status through them.

a. *The Special Measures Program— Project 80*

Project 80, introduced in June, 1972, was a set of administrative measures designed to deal with the exceptionally large and unwieldy backlog that had built up in the immigration inquiry and appeal process. The target date for reaching "a current basis" was January 1, 1973. Three categories of cases fell within the scope of the program:

1. those already referred to a Special Inquiry Officer;
2. those whose application for landed immigrant status had been registered before midnight of June 23, 1972; and
3. those who were already in Canada legally at midnight of June 23, 1972, and who subsequently filed applications for landing prior to the expiry date of the period for which they had been granted non-immigrant status.

In reviewing cases in the inquiry backlog, a Special Inquiry Officer considered an applicant's record and behaviour since arrival in Canada to determine whether the use of discretion was warranted. Particular attention was paid to the length of residence in Canada, adaptation to Canadian life, letters of recommendation and financial stability:

1. *Length of residence in Canada.* How long had the applicant been in Canada? How well had he managed during that period?
2. *Adaptation to Canadian life.* Had the applicant shown a sincere desire to better his job opportunities in Canada by improving his trade qualifications? Had he arranged employment for the time when it might become permissible for him to work? Had he taken part in any aspects of Canadian cultural life? If he did not speak either English or French fluently when he came to Canada, had he made a sincere effort to learn or improve his knowledge of either of those languages?

3. *Letters of recommendation.* Could the applicant produce letters of recommendation from Canadian citizens (relatives, prospective employers and others) who were sincerely interested in helping him to establish himself here or who could attest to the likelihood of the applicant's establishing himself?
4. *Financial stability.* Were there signs—such as money in the bank, tangible assets, good credit rating, absence of debts—that the applicant could manage his financial affairs in a responsible way?

The foregoing applied for the most part to persons who had been referred to a Special Inquiry Officer because of a failure in the initial interview to meet the norms of assessment set out in Schedules A and B of the Immigration Regulations. Where the Special Inquiry Officer determined that the norms of assessment did not reflect accurately the person's chances of successful establishment, he exercised discretion and directed the person to be landed, provided he met other requirements.

Special authority of an Order in Council was sought in those cases where a person had been referred to a Special Inquiry Officer because he had taken unauthorized employment, or had applied for landing after the expiration of his non-immigrant status. Such authority was sought even though the applicant would not qualify under the regular norms of assessment.

Those whose applications for landing had been registered before midnight June 23, 1972, and those who were already legally in Canada by that date and who subsequently applied for permanent residence prior to the expiry date of their non-immigrant status were dealt with similarly.

Those who arrived in Canada prior to June 24, 1972, but who did not apply for landing before their non-immigrant status expired, were not eligible for consideration under the program as outlined in the Minister's statement. However, where such a person was able, in exceptional circumstances, to provide an acceptable reason for not applying until after his non-immigrant status had expired, consideration was given to seeking special authority to land from the Governor in Council.

While the Immigration Appeal Board, of course, had sole jurisdiction on those cases awaiting appeal hearings, a special group of Appeals Officers was recruited to review the appeal backlog. Three types of cases were identified and reviewed:

1. appellants who had failed to qualify in accordance with the norms of assessment;
2. appellants who had reported after their non-immigrant status in Canada had expired or who had taken unauthorized employment; and
3. appellants whose appeal would likely be allowed by the Immigration Appeal Board because of legal precedents in their favour.

The same criteria were applied in these cases as were applied in the inquiry backlog. Where it was found that the appellants would have otherwise qualified they were asked to file a petition jointly with the Department to the Immigration Appeal Board asking that the Board decide in the immigrant's favour.

In these cases the Board would dismiss the appeal but would then quash the deportation order and direct landing under section 15 of the *Immigration Appeal Board Act*. Where there were legal precedents under which it was felt that the appeal might be allowed, the Department identified the case and notified the Board that it did not intend to contest the appeal.

b. The Adjustment of Status Program—Project 97

Despite Project 80, the number of appeals continued to grow, and the actual and potential inquiry backlog was again on the increase. Following review of the various options open to him, the Minister introduced Bill 197 in the House of Commons on June 18, 1973. The Bill became law on July 27 of the same year, and came into force on August 15.

Under Project 97, persons who were in Canada as of November 30, 1972, and had not acquired landed immigrant status were permitted to apply for that status, provided they registered within sixty days of the proclamation of the *Act*. Special immigration regulations, known as the Immigration Adjustment of Status Regulations, were passed by Order in Council. These regulations outlined the criteria under which persons could apply for landed status under the program. The criteria were generous and almost everyone succeeded. For persons who failed to comply with the requirements of the *Immigration Act* and regulations, special review procedures were set up to decide whether they could be admitted in the spirit of the program under Minister's permit, pending completion of the required rehabilitation period and the seeking of special authority for landing by Order in Council.

Bill 197 retained the right of appeal to the Immigration Appeal Board for all persons who had been ordered deported prior to its proclamation. The right of appeal in all other cases was restricted to the four categories of persons mentioned earlier.

5. The Point System

The 1967 immigration regulations introduced a method of immigrant selection based on a system of points allotted to a number of specific assessment factors. The new point system was intended to reflect the characteristics that would contribute to an immigrant's successful establishment in Canada.

The following extract from the 1967 Immigration Regulations gives the point allotment in the new assessment procedure:

<u>Units of Assessment</u>	<u>Maximum points</u>
(a) <i>Education and training</i> : One unit for each successfully completed year of formal education and for each year of professional, vocational and formal trades training, or apprenticeship.	20
(b) <i>Personal assessment</i> : Adaptability, motivation, initiative, resourcefulness and other similar qualities to be assessed during an interview with the applicant by an immigration or visa officer, to reflect the latter's judgment of the personal suitability of the applicant and his family to become successfully established in Canada.	15
(c) <i>Occupational demand</i> : On the basis of information gathered by the Department on employment opportunities in Canada, units	

to be assessed according to demand for the occupation the applicant will follow in Canada, ranging from fifteen when the demand is strong to zero when there is an oversupply in Canada of workers having the particular occupation of the applicant.	15
(d) <i>Occupational skill</i> : To be assessed according to the highest skill possessed by the applicant, ranging from ten units for the professional to one unit for the unskilled, irrespective of the occupation the applicant will follow in Canada.	10
(e) <i>Age</i> : Ten units if the applicant is between eighteen and thirty-five years of age, but one unit to be deducted for each year of age over thirty-five.	10
(f) <i>Arranged employment</i> : Ten units if the applicant has arranged definite employment in Canada which offers reasonable prospects of continuity.	10
(g) <i>Knowledge of English and French</i> :	
(1) Ten units if the applicant reads, writes and speaks fluently English and French;	10
(2) five units if he reads, writes and speaks fluently one of the two languages;	
(3) four units for each of the two languages he speaks fluently and reads well;	
(4) two units for each of the two languages he speaks fluently;	
(5) one unit for each of the two languages he speaks with difficulty;	
(6) two units for each of the two languages he reads well;	
(7) one unit for each of the two languages he reads with difficulty.	
(h) <i>Relatives</i> : Where the applicant has a relative in Canada willing to assist him in becoming established and eligible to sponsor or nominate him but is unprepared or unable to do so,	
(1) five units if the applicant's destination is the municipality in which that relative lives;	
(2) three units if his destination is not the municipality in which that relative lives.	5
(i) <i>Employment opportunities in the area of destination</i> : A maximum of five units if the applicant intends to go to an area in Canada where there is a very strong general demand for labour, fewer if the demand is less strong, and zero if there is an oversupply of labour in the area.	5
TOTAL POINTS	100

The point system applies to independent applicants and nominated relatives. An independent applicant, to be accepted, has to achieve fifty points on assessment under the nine factors. In the case of nominated relatives, assessment is made on the first five factors only; it is presumed that a nominator will assist the applicant in finding employment and becoming settled. Close relatives in the nominated relatives group have to obtain twenty points only, while relatively distant relatives of non-citizens must obtain thirty-five points. The point system does not apply to sponsored dependents; a person in this category is normally subject only to the requirement that his admission will not be a detriment to public health or order.

Regulation 32(3) extends preferential treatment to independent applicants who intend to establish a business or to retire in Canada. Under the point system, a business man is awarded twenty-five points for occupational demand and occupational skill, provided he can establish that he has sufficient financial resources to establish himself and that the business venture has a reasonable chance of success.

The Department's *Immigration Manual* provides that in the case of business men, applications are to be considered in the light of any currency restrictions existing in the country of origin. The selection officer may require the applicant to produce documentary evidence confirming his country's approval of the transfer of a specific amount of money. Particular reference is made in the *Manual* to entrepreneurs from India and the monetary restrictions imposed by the Bank of India.

6. Discretionary Power

The point system described above is not as rigid a set of selection criteria as might appear on first examination. Section 32(4) of the 1967 Immigration Regulations provides for the use of discretion by immigration officers in dealing with applications for admission from independent applicants who do not meet the usual norms of assessment. Admission can be granted if, in the opinion of the immigration or visa officer, there are good reasons that assessment according to the prescribed norms does not reflect the applicant's chances of establishing himself successfully in Canada. The same discretionary power can be used to refuse the admission of an independent applicant who meets the assessment norms when there is, nevertheless, sufficient reason to indicate there is little chance of his becoming established in Canada.

A selection officer seeking to exercise discretionary power is required to submit his recommendations with reasons in writing for review and approval of an officer of the Department designated by the Minister. In June of 1972, immigration regional and district supervisors and their immediate assistants, as well as district Special Inquiry Officers, were designated to use the discretion provided for by section 32(4) of the regulations.

In 1971 statistics revealed that the new discretionary authority was not being used as frequently or as liberally as was originally intended. The Immigration Appeal Board had handled many appeals in which an officer's decision to disallow an application was reversed on the ground that the person concerned could clearly establish himself successfully in Canada. In October of 1971, the then Assistant Deputy Minister of Operations wrote to all Regional Directors General and instructed them to ensure that all officers under their jurisdiction observed the spirit of the earlier instructions on discretionary power. By 1972, the number of applications approved using discretionary power had increased substantially, a trend which continued into 1973.

7. The Procedures in Operation

The Commission's main concern was with those persons who entered Canada for a temporary stay and who while here applied for permanent residence. Most such applicants entered Canada as visitors under section 7(1)(c) of the *Immigration Act*. It will be remembered that the amendment to the Immigration Regulations passed on November 6, 1972, abrogated a visitor's right to apply in Canada for landed status.

a. *Port of entry and application for permanent residence*

A general presumption is established by section 6 of the *Immigration Act*: Every person seeking to come to Canada shall be presumed to be an immigrant until he satisfies the immigration officer examining him that he is not an immigrant.

Section 5 of the *Act* sets out classes of persons who shall not be admitted to Canada. One such class is composed of persons "who are not, in the opinion of a Special Inquiry Officer, *bona fide* immigrants or non-immigrants"[5(p)]. It follows from this section that persons seeking to enter Canada as non-immigrants are required to provide the examining officer at port of entry with adequate proof of the status claimed. This requirement applies particularly to a visitor and to a person coming into the country to engage in a profession, trade or occupation of any kind.

What criteria are used by examining officers in determining the *bona fides* of a person claiming visitor or non-immigrant status? Two important cases of the Immigration Appeal Board established basic principles. In *Re Seccora Rios Vela* (December 19, 1969) the Board held that:

. . . an applicant for entry into Canada was normally a *bona fide* non-immigrant if:

- (a) He is a person who is a member of any of the classes designated in s. 7(1) and (2) of the *Immigration Act*.
- (b) He is seeking to enter Canada for legitimate and temporary purpose and is able to establish this.
- (c) He is truthful on examination: vide s. 20(2).
- (d) He is in apparent good health.
- (e) He is of good character.
- (f) He is not within the prohibited classes.
- (g) He has sufficient assets (or satisfactory evidence of same) to maintain himself while in Canada as well as to effect his departure from Canada.
- (h) He has satisfactory proof of re-admissibility to his country or to a third country.
- (i) He has a valid passport (if applicable).

(p. 365)

In *Re Chanchal Sing son of Kartar* (November 9, 1971) the Board said:

It must be pointed out that the criteria in *Vela* are not necessarily exhaustive and they must be examined in the light of two overriding considerations: the credibility of the person concerned, and his *bona fides* in general—in other words his true intent, as shown by all the evidence, in coming to Canada.

(p. 293)

At port of entry, primary examination is, in most instances, carried out by customs officers. Secondary examination, confined to cases in which the person seeking entry has not satisfied the examining officer, is conducted by an immigration officer.

On examination, a person claiming visitor or non-immigrant status is either allowed to enter the country for a limited period of time, or if he has not satisfied the examining officer that he is admissible, refused. In case of doubt, the immigration officer may request the posting of a bond to ensure the person's departure from the country at the given date (s. 63(1) of the *Act*).

If entry is refused, the person in question may either leave Canada voluntarily or may remain and proceed to special inquiry, held pursuant to a report

made by the examining officer in accordance with section 22 of the *Immigration Act*. In the latter instance, the examining officer may either order that person detained or request the posting of a bond to ensure his presence at special inquiry.

Under the old regulations, persons legally in Canada for a limited period could indicate their intention to remain permanently in the country by informing an immigration office of such intention using letter, telephone or through a third party. This intention had to be indicated before the date specified for the applicant's departure. The normal procedure was to complete Immigration Form 1103—"Notice of Intent". Upon receipt of this form, the immigration office provided the person filing it with an application form for permanent residence (O.S.8).

The O.S.8 form requests information about an applicant necessary for his assessment. The questions cover the following items:

1. Name
2. Sex
3. Present mailing address
4. Telephone number
5. Other names used
6. Date of birth
7. Place of birth
8. Citizenship
9. Assets and debts
10. Present occupation
11. Intended occupation
12. Intention not to work in Canada
13. Assurance of employment
14. Name of person in Canada willing to assist
15. Relationship of that person
16. Destination in Canada
17. Marital status
18. Date and place of marriage
19. Name and address of closest relative
20. Relationship of that person
21. Country of residence
22. Name and address of nearest relative in Canada
23. Names of spouse and children under 18 years of age
24. Full maiden name of wife
25. Family information
26. Languages
27. Education
28. Previous addresses during past ten years
29. Employment history (ten years)

30. Membership in organizations since 18 years of age
31. Medical information
32. Passport size photograph
33. Personal description
34. Date to leave for Canada

The applicant was required to declare, in the presence of an immigration officer, that the answers given were truthful, complete and correct, as if made under oath. If an interpreter was used, the interpreter also declared that he interpreted in the language of the applicant and that the applicant completely understood the contents of the form. An important declaration is set out at the bottom of the third page of the O.S. 8 form which relates to false statements or concealment of facts in completing the application. This statement, signed by the applicant, reads:

I understand that any false statements or concealment of a material fact may result in my permanent exclusion from Canada, and even though I should be admitted to Canada for permanent residence, a fraudulent entry on this application could be grounds for my prosecution and/or deportation.

Should my answers to questions 17, 23 and 31 change at any time prior to my departure for Canada, I undertake to report such change and delay my departure until I have been informed in writing, by the officer dealing with my application, that I may proceed to Canada. I understand all the foregoing statements, having asked for and obtained an explanation on every point which was not clear to me.

The applicant was also required to give medical information about himself and his dependents, to state whether he had ever been refused admission to or deported from Canada or any other country, to state whether he had ever been convicted of or admitted having committed any crime or offence, and to say whether he had ever applied previously for a Canadian visa. Most applications filed in Canada were accompanied by a signed statement saying that the applicant had not taken employment since entering Canada. A person who had taken employment prior to his application was not entitled under the regulations to apply for permanent residence in the country.

b. Interview and assessment

Following completion of the 1103 form, the applicant appeared for an interview on a date set by the officer who received the form. If he wished, he could appear with counsel. The purpose of the interview was to determine if the applicant had the necessary qualifications to meet the legal requirements for admission to Canada. In making his evaluation, the selection officer followed the point system explained earlier. It was the applicant's responsibility to substantiate the statements made in his O.S. 8 form. In cases of doubt, the officer could demand documentary evidence from the applicant. Normally the applicant brought with him to the interview the documents needed to prove his identity, age and marital status (passport, birth and marriage certificates). School certificates and copies of diplomas and letters from educational institutions were often asked for to prove the claimed level of education. To show

occupational qualifications, applicants sometime produced letters from previous employers, or diplomas and certificates. Sometimes letters offering employment in Canada were shown. Statements from banks were produced as evidence of financial stability. In completing his assessment, the selection officer entered his ratings on a departmental form known as "Immigrant Assessment Record Canada" (form 1104). Included on this form was a space for the officer to record his personal assessment of the individual, using his discretion in judging the likelihood that the applicant would become established successfully. In those cases in which the applicant did not achieve the required number of points, the selection officer, if he considered it warranted, could in a "remarks" column recommend to his supervisor approval under discretionary power. In the case of a refusal at assessment, the selection officer informed the applicant of his right to have the decision reviewed by a special inquiry, and the forms to that end were provided. In these cases, since there was considerable delay before a special inquiry could be held, selection officers would issue an authorization for the applicant to work pending special inquiry. If an application was approved, steps were taken to obtain medical clearance and to establish there was nothing in the applicant's personal history to warrant his exclusion under 5(m) and (n) of the *Immigration Act* (dealing with subversive activity). It was not until these clearances were complete that landed status was granted. This process took some time.

c. *Special inquiry*

By section 11(1) of the *Immigration Act*, all "immigration officers in charge" are authorized to perform the functions of a Special Inquiry Officer. The Minister is empowered by the same section "to nominate such other immigration officers as he deems necessary" to act in the same capacity. Section 11 (3) grants to a Special Inquiry Officer "the powers and authority of a commissioner appointed under Part I of the *Inquiries Act*." In the conduct of an inquiry, a Special Inquiry Officer may summon witnesses to appear before him to give evidence and produce any document he deems to be relative to the inquiry; administer oaths and examine persons under oath; issue commissions to take evidence in Canada; and engage the services of such counsel and other staff as he may consider necessary for the inquiry.

Part III of the *Immigration Act* (sections 19 to 28) gives the legislative authority for the examination by immigration officers of persons seeking to come to Canada through a port of entry, and for the special inquiry process which may follow. The initial step in the inquiry process is a report made by an immigration officer under section 18 or 22 of the *Act*. Section 18 of the *Act* describes classes of persons subject to deportation; a report is to be made to the Director of Immigration on anyone within this section. Section 22 provides that if after examining a person seeking to come into Canada an immigration officer is of the opinion that the person's admission to or entry into Canada might be contrary to a provision of the *Immigration Act* or regulations he shall report such person to a Special Inquiry Officer.

The reports under section 22 of the *Act* accounted for the majority of the special inquiries held in the Montreal district, as the following figures for the years 1971 to 1973 indicate (the figures in parentheses are for the whole of Quebec):

	<i>Section 18</i>	<i>Section 22</i>
1971	576 (749)	1817 (1919)
1972	568 (674)	2048 (2173)
1973	985 (1079)	5852 (5979)

The procedures governing the conduct of a special inquiry are contained in the 1967 Immigration Inquiries Regulations. At the beginning of an inquiry the presiding officer informs the subject of the inquiry of his right to retain, instruct and be represented by counsel; the inquiry may be adjourned to allow the individual time to do this. In the case of a person experiencing language difficulties, an interpreter is provided at the expense of the Department.

The report of the examining officer, setting out the provisions of the *Act* or regulations by reason of which the immigration officer was of the opinion the individual should not be granted admission, is filed as an exhibit. It is read to the individual, and he is told that in the event of a decision to refuse him entry, an order for his deportation from Canada will be issued.

A court stenographer is available and a full written report of the evidence signed by the Special Inquiry Officer is made in every inquiry. The decision of the Inquiry Officer is rendered in the presence of the subject of the inquiry. The Inquiry Officer has the authority to modify, reverse or uphold the decision of the immigration officer; if it is upheld, an appeal may be made to the Immigration Appeal Board.

d. Appeal

During the period which concerned the Commission, a Special Inquiry Officer, if his decision was to refuse the person concerned, informed that person of his right to appeal to the Immigration Appeal Board and of the procedure to be followed. If he wished to appeal, the subject filed a notice of appeal form with the Registrar of the Immigration Appeal Board. The Board also required a copy of the deportation order, the complete minutes of the special inquiry, exhibits filed at the inquiry, and any other relevant documents.

An appellant had the right to be represented before the Board by counsel of his choice and if necessary he was provided with the services of an interpreter. He was permitted to present evidence pertaining to his case and had the right to testify and call persons to give evidence on his behalf. Arguments could also be made by persons representing the Minister.

The Board, acting as an independent body, might sustain the decision of the Special Inquiry Officer to deport the subject, or quash the deportation order and direct the granting of landed immigrant status. In rendering its decision the Board determined not only whether the immigration officer had made a correct assessment, but also (even if the decision was correct) whether the applicant should be admitted because at the time of the appeal hearing he met the required standard. It should be noted that the right of appeal from

a deportation order was restricted by the July 27, 1973, changes in the *Immigration Appeal Board Act* doing away with the right of appeal for persons denied entry (i.e., visitors) unless they fell into one of the four categories referred to earlier. It could also give recognition to compassionate and humanitarian aspects of a case in deciding to reverse the decision of the Special Inquiry Officer.

B. THE ORGANIZATION OF THE MONTREAL DISTRICT

In 1972, as today, the Department of Manpower and Immigration in Canada was divided into five regions. One of the largest regions is the Quebec Region, with headquarters in the city of Montreal. Each region is under the control and supervision of a director general.

In the Quebec Region a director of immigration operations, reporting to the director general, is responsible for all immigration matters. In 1972, the region had two districts, both operated by a district administrator. One was headquartered in Montreal and the other in Quebec City. Apart from the handling of immigrants in their headquarters area, each district was responsible for the supervision of a number of ports of entry; the Montreal district, for example, had jurisdiction over the offices at Dorval, Lacolle, Huntingdon, Hull and Noranda. Because of the increased traffic in and out of the Montreal International Airport, a third district was established at Dorval in April of 1973, with Hull and Noranda being placed in the new jurisdiction.

1. The Montreal District

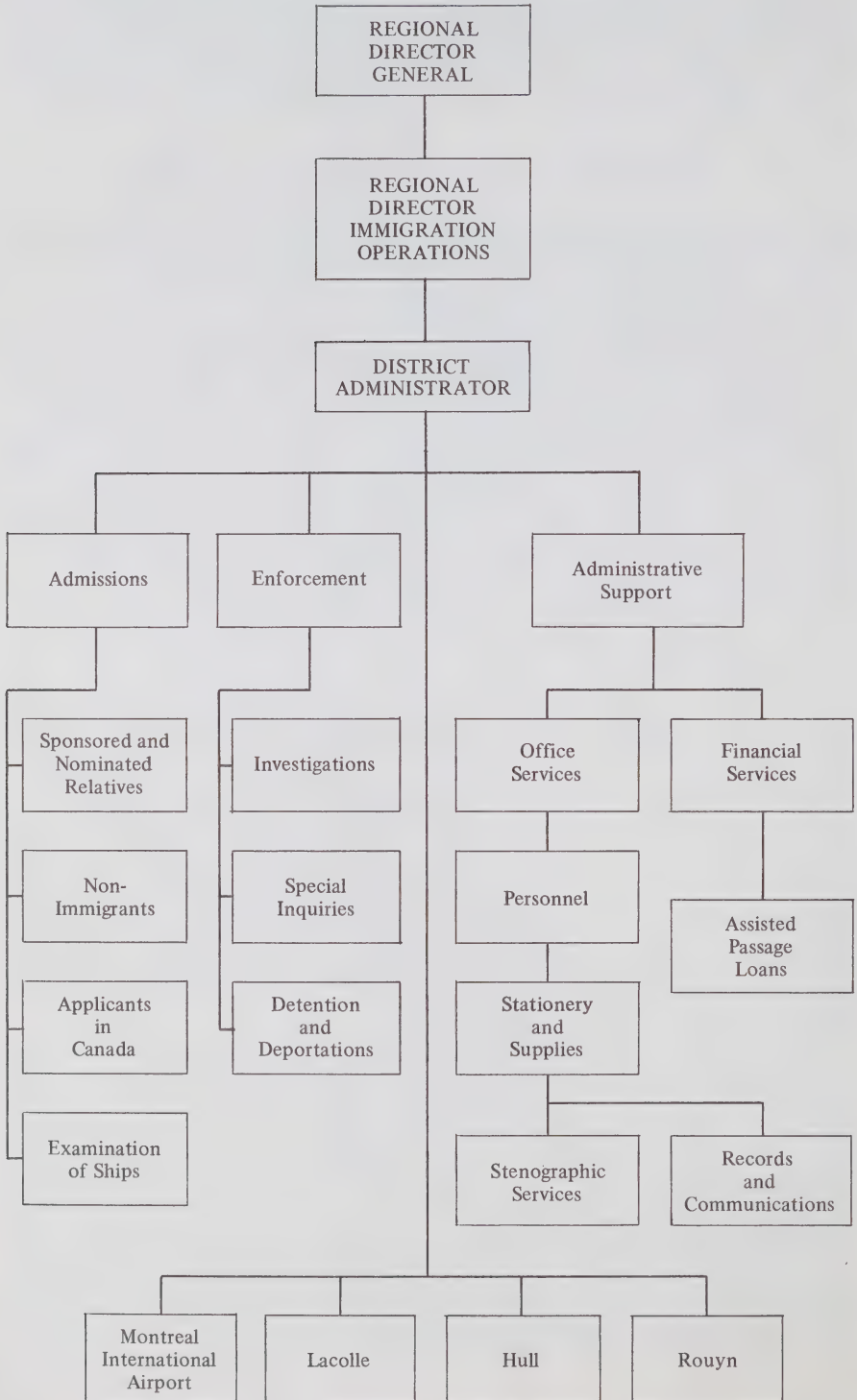
In 1972 L. E. Duquet was Regional Director General of the Montreal District; L. R. Vachon held the position of Director of Immigration Operations; and André Guénet was the Administrator of the Montreal Immigration District. The chart on page 240 shows how the district was organized.

Towards the end of September, 1971, the Montreal Immigration District moved to new quarters (which it still occupies) in the Alexis Nihon Plaza on Atwater Street. The District had two main divisions, one for the admissions and one for the enforcement function, each under the supervision of a senior supervisor. A third division grouped together all the housekeeping functions, such as financial and office services, records, stores, and stenographic services. The establishment totalled 180 man-years.

Because of the increase in traffic and immigration it became impossible for the senior supervisors responsible for the divisions to deal with the numerous cases referred to them by their officers. The problem was compounded by the ever increasing number of applications from persons who had been permitted to enter the country for temporary periods, and by the increased workload resulting from Project 80.

In September of 1972 the module concept was introduced. The admissions division was divided into ten separate modules, each under a supervisor. (The senior supervisor remained in charge.) An additional 40 man-years were added to the establishment, for a total of 220.

MONTREAL DISTRICT, 1972



2. Recruitment and Selection of Immigration Officers

The immigration division employed as its major recruitment tool the public service competition open to all Canadian citizens. Considerable use was also made of the promotional competition method, which permitted employees of other government departments with the necessary qualifications and experience to apply for positions in the immigration organization. This method allowed employees already in the division an opportunity to advance to higher levels.

Immigration staff in district and field offices performing line functions are classified for pay purposes into two broad occupational groups, the clerical and regulatory group (C.R.) with six pay levels, and the program administration group (P.M.) with seven pay levels. The C.R. group at levels 5 and 6 included such persons as the examining officers and supervisors at ports of entry and inland offices. In the P.M. group one finds officers in charge of ports of entry and inland offices; immigration counsellors; Special Inquiry Officers; and officers performing investigation and enforcement functions.

For the position of immigration officer, applicants had to demonstrate a potential for effectiveness. The competition notices for such positions contained the following description:

Ability to establish and maintain the goodwill and confidence of the general public.
Ability to work...and remain calm under pressure. Tact, persuasiveness, discretion, judgement, tolerance, integrity, firmness and maturity.

3. Training

A training division at Department headquarters devises training programs for employees, and maintains an up-to-date catalogue of the staff training and development courses available throughout Canada as well as relevant courses conducted by the Public Service Commission and outside agencies. The course catalogue is distributed to managers at all levels each year. Managers in each region have the responsibility of organizing training programs and encouraging employees to take outside courses. Several special manuals were developed by the training division and extensively used by officers, including a self-instruction manual on interviewing as an aid to the immigration officer, and manuals on special inquiries and investigations.

In the period of concern to the Commission, there were no formal initial training or refresher courses in the Montreal division, other than a one-week initial theoretical training consisting mostly of familiarizing officers with the laws, regulations and procedures of the Department.

4. The Standard of Conduct for Immigration Officers

Section 7(1)(f) of the *Financial Administration Act*, R.S.C. 1970, Ch. F-10 provides legislative authority for the determination of rules of conduct for all employees in the public service. It states that Treasury Board may, in the exercise of its responsibilities in relation to personnel management:

(f) establish standards of discipline in the public service and prescribe the financial and other penalties, including suspension and discharge, that may be applied for breaches of discipline or misconduct, and the circumstances and manner in which and the authority by which or whom those penalties may be applied or may be varied or rescinded in whole or in part....

In February of 1967, Treasury Board, in accordance with section 7(2) of the same *Act*, delegated to all departments and agencies of government the responsibility for developing codes of discipline where none existed, and revising existing codes to conform to the general guidelines established by the Board. On December 18, 1973, an Order in Council (P.C. 1973-4065) was passed which established "Guidelines to be Observed by Public Servants Concerning Conflict of Interest Situations". The following two paragraphs of the guidelines should be noted:

2. It is by no means sufficient for a person in a position of responsibility in the public service to act within the law. *There is an obligation not simply to obey the law but to act in a manner so scrupulous that it will bear the closest scrutiny.* In order that honesty and impartiality may be beyond doubt, *public servants should not place themselves in a position where they are under obligation to any person who might benefit from special consideration or favour on their part or seek in any way to gain special treatment from them.* Equally, a public servant should not have a pecuniary interest that could conflict in any manner with the discharge of his official duties. (Italics added.)
3. No conflict should exist or appear to exist between the private interests of public servants and their official duties. Upon appointment to office, public servants are expected to arrange their private affairs in a manner that will prevent conflicts of interest from arising.

In late December of the same year, Treasury Board issued a circular entitled "Standard of Conduct for Public Service Employees" which referred to the guidelines on conflict of interest and updated the general policy on standards of conduct.

As early as 1962, the national headquarters of the immigration service, through a series of operations directives and memoranda to its field offices, informed its officers of the standard of conduct expected of them in the performance of their duties. In October of 1971 all previous directives on the subject were incorporated and published in a preface to Chapter 3 of the *Immigration Manual*. This directive is still in effect.

The Immigration Department Code of Conduct covers such other matters as deportment and performance and compliance with customs regulations. Every officer in the immigration service is made fully aware of this directive; in the Quebec Region some twenty directives emphasizing that section of the code that deals with the acceptance of gifts and favours have been sent in recent years to all immigration field officers by the Director of Immigration Operations. The pertinent sections of this document are as follows:

1. . . . In the performance of his duties, [an employee] may encounter persons who, during or after working hours, will attempt to cultivate his acquaintance because of his employment. At all times, therefore, he must be above reproach as well as thoroughly realistic regarding those persons who seek his acquaintance.
- 4(a). . . . the acceptance by an employee of any *gift, loan, benefit, advantage, social invitation or other favour*, made or offered by any member of the public having anything conceivable to gain thereby, will not be tolerated. . . .
5. Included in "gifts, loans, benefits, advantages or other favours" the acceptance of which is prohibited [is] any . . . favour done, offered or made by a person having business dealings with the Department to an employee merely because he is a Departmental employee, to a member of the employee's family, or to another person on the employee's behalf, if such favours are intended to influence his decisions or actions to the advantage

of the donor, to show gratitude for previous assistance or co-operation, or are open to such interpretation in any way.

On entry into the immigration service, an employee, regardless of the level of his appointment, was and still is required to take the following oaths:

OATH OF ALLEGIANCE

I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law. So help me God.

OATH OF OFFICE AND SECRECY

I solemnly and sincerely swear that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the Public Service and that I will not, without due authority in that behalf, disclose or make known any matter that comes to my knowledge by reason of such employment. So help me God.

Finally, the widely used self-instruction manual on interviewing contains this passage:

The officer is a REPRESENTATIVE OF CANADA, and an officer of the Department of Manpower and Immigration. Although this a continuing role, the officer becomes extremely aware of its importance. If he is a counsellor in another country, he is a communicator of information about Canada, and an interpreter of Canada. In fact, in the eyes of some applicants he is "the typical Canadian", or Canada personified. If he is an investigator or a Special Inquiry Officer, he is quite conscious of the fact that the person he is interviewing sees him as a government official, and frequently an impersonal barrier to what the person wants to do.

The officer is the LEADER in the interview. This is his role, and he must establish it at the outset and maintain it. The person being interviewed has the role of the provider of information. The officer has to use his own skill to create the environment in which the two roles are sustained throughout the interview.

The officer is a PERSON WITH AUTHORITY. He is later going to move into a decision-making role, and his decision will determine the direction of the rest of the session. He will decide, for example, whether the applicant is acceptable as a prospective immigrant, whether the facts about the person's entry to Canada render him admissible, or whether the person may sponsor a prospective immigrant. This decision has results of particular significance to the person being interviewed, and to his family. The decision has significance, too, for the Department of Manpower and Immigration, for Canada, and for the emigration country.

When an officer makes a statement or asks a question, he assumes one—and sometimes more than one—of these roles.

General Chart Relating to the Files Investigated by the Commission

56 files referred to as the “first group”

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date Notice of Intent	Assessment Date	Assessment Decision
A-213827	Barbados	21/ 4/68	L.I.	—	—	—	—
A-214988	Jamaica	17/ 7/62	L.I.	—	—	—	—
B-058922	Jamaica	21/ 7/69	L.I.	—	—	—	—
B-202780	Tobago	17/ 7/69	L.I.	—	—	—	—
E3-33991	Jamaica	14/12/68	L.I.	—	—	—	—
ER3-67586	Jamaica	1/12/68	7 (1) (c)	—	15/ 1/69	11/ 3/69	Refused
E3-71211	Haiti	30/ 9/68	7 (1) (c)	—	19/ 6/69	11/ 8/69	Refused
ER3-77001	Philippines	19/ 1/70	7 (1) (c)	—	19/ 1/70	18/ 2/70	Accepted
E3-80699	Guyana	14/ 9/69	7 (1) (f)	—	20/ 5/70	18/ 6/70	Refused
5-200	Jamaica	13/12/69	L.I.	—	—	—	—
5-2197	Jamaica	12/ 7/70	7 (1) (c)	—	(2)	(2)	(2)
5-4058	Jamaica	31/ 5/70	7 (1) (c)	—	18/ 9/70	9/11/70	Accepted
5-20009}	Haiti	9/10/71	7 (1) (c)	—	22/ 2/72	22/ 2/72	Accepted
5-11768}							
5-13194	Trinidad	7/ 6/71	7 (1) (c)	—	17/ 8/71	23/ 9/71	Accepted
5-15049	Jamaica	2/ 4/71	7 (1) (c)	—	30/ 7/71	30/ 8/71	Accepted
5-15189	Haiti	16/ 4/71	7 (1) (c)	—	4/ 8/71	2/ 9/71	Accepted
5-15596	Trinidad	8/ 8/71	7 (1) (c)	—	26/10/71	14/ 1/72	Accepted
5-15731	Jamaica	7/ 6/71	7 (1) (c)	—	17/ 7/72	15/ 8/72	Accepted
		27/ 6/72					
5-16415	Haiti	15/ 6/71	7 (1) (c)	—	2/ 9/71	14/10/71	Accepted
5-18451	Haiti	9/10/71	7 (1) (c)	—	(2)	(2)	(2)
5-19845	Haiti	6/11/71	7 (1) (c)	—	24/11/71	5/ 1/72	Accepted
5-20195	Guyana	26/ 9/71	7 (1) (c)	—	3/12/71	13/ 1/72	Accepted
5-20531	Trinidad	25/11/71	7 (1) (c)	—	15/12/71	31/ 1/72	Refused
5-20531	Trinidad	29/11/69	L.I.	—	—	—	—
5-21322	Haiti	21/12/71	7 (1) (c)	—	17/ 2/72	3/ 5/72	Refused
5-21330	Haiti	25/12/71	7 (1) (c)	—	12/ 1/72	17/ 2/72	Accepted
5-21428	Haiti	22/ 2/71	7 (1) (c)	—	14/ 1/72	16/ 2/72	Accepted
5-21858	Antigua	14/12/71	7 (1) (c)	—	27/ 1/72	1/ 3/72	Accepted
5-22044	Trinidad	17/10/71	7 (1) (c)	—	2/ 2/72	3/ 3/72	Accepted
5-22103	Trinidad	31/10/71	7 (1) (c)	—	3/ 2/72	6/ 3/72	Accepted
5-23036	Haiti	27/ 2/72	7 (1) (c)	—	8/ 3/72	4/ 4/72	Accepted
5-24965	Jamaica	14/ 4/72	7 (1) (c)	—	8/ 5/72	25/ 5/72	Accepted
5-25756	Trinidad	6/ 9/70	7 (1) (c)	—	(2)	(2)	(2)
5-26342	Guyana	10/ 6/72	7 (1) (c)	—	15/ 6/72	14/ 7/72	Accepted
5-41431}	Jamaica	23/ 6/72	7 (1) (c)	—	13/ 7/72	14/ 8/72	Accepted
5-27445}							
5-27714	Jamaica	14/ 4/72	7 (1) (c)	—	20/ 7/72	21/ 8/72	Accepted
5-27849	Haiti	19/ 7/72	7 (1) (c)	—	24/ 7/72	21/ 8/72	Accepted
5-28141	Haiti	10/ 7/72	7 (1) (c)	—	28/ 7/72	29/ 8/72	Accepted
5-28222	Haiti	2/ 7/72	7 (1) (c)	—	28/ 7/72	4/10/72	Accepted
5-28413	Trinidad	15/ 7/72	7 (1) (c)	—	3/ 8/72	7/ 9/72	Accepted
5-28588	Haiti	28/ 7/72	7 (1) (c)	—	8/ 8/72	15/ 9/72	Accepted
5-29789	Israel	31/ 8/70	7 (1) (f)	—	24/ 8/72	19/ 9/72	Accepted
5-32330	Guyana	10/ 8/70	7 (1) (c)	—	29/10/70	15/12/70	Accepted
5-32745	Haiti	17/ 9/72	7 (1) (c)	—	2/10/72	7/11/72	Accepted
ER3-77647	Haiti	24/ 9/69	7 (1) (c)	—	(2)	18/ 1/71	Refused
ER3-79096	Ecuador	14/ 3/70	7 (1) (c)	—	1/ 4/70	23/ 1/70	Refused
5-20388	Haiti	16/11/71	7 (1) (c)	X	—	—	—
5-24714	Jamaica	7/ 3/72	7 (1) (c)	—	28/ 4/72	9/ 6/72	Accepted
A-322377	Jamaica	14/ 6/64	7 (1) (c)	—	5/ 1/66	(2)	(2)
ECH-6987	Jamaica	6/ 3/72	7 (1) (c)	—	13/ 3/72	7/ 4/72	Accepted

APPENDIX 10-A

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page	Date of Landing	Project	Status as of 1/7/75
—	—	—	—	3 275	21/ 4/68	—	L.I.
—	—	—	—	1 17	17/ 7/62	—	L.I.
—	—	—	—	38 7243	21/ 7/69	—	L.I.
—	—	—	—	69 12467	17/ 7/69	—	L.I.
—	—	—	—	2 107	14/12/68	—	L.I.
19/ 9/69	Refused	7/ 6/71	Allowed	3 222	29/ 2/72	—	L.I.
(2)	(2)	—	—	3 205	?/12/69	—	L.I.
—	—	—	—	(3)	5/ 6/70	—	L.I.
(2)	(2)	—	—	37 7132	6/12/73	97	L.I.
—	—	—	—	3 286	13/12/69	—	L.I.
—	—	—	—	(6)	18/ 3/71	—	L.I.
—	—	—	—	1 58	17/ 5/71	—	L.I.
—	—	—	—	2 141	20/ 4/72	—	L.I.
—	—	—	—	(4)	11/ 1/72	—	L.I.
—	—	—	—	4 443	23/12/71	—	L.I.
—	—	—	—	10 1748	12/ 4/72	—	L.I.
—	—	—	—	37 7103	9/ 5/72	—	L.I.
—	—	—	—	6 981	30/ 4/74	—	L.I.
—	—	—	—	52 9573	4/ 1/72	—	L.I.
—	—	—	—	(3)	23/ 3/72	—	L.I.
—	—	—	—	6 844	2/ 3/72	—	L.I.
—	—	—	—	4 575	10/ 5/72	—	L.I.
(2)	(2)	—	—	2 100	27/ 9/73	80	L.I.
—	—	—	—	2 92	29/11/69	—	L.I.
(2)	(2)	—	—	3 334	10/12/73	80	L.I.
—	—	—	—	37 7165	28/ 4/72	—	L.I.
—	—	—	—	6 858	11/10/74	—	L.I.
—	—	—	—	(3)	16/ 5/72	—	L.I.
—	—	—	—	2 121	3/10/72	—	L.I.
—	—	—	—	(3)	13/ 9/72	—	L.I.
—	—	—	—	7 1042	24/ 8/72	—	L.I.
—	—	—	—	(4)	25/ 8/72	—	L.I.
30/ 8/72	Refused	7/ 1/74	Quashed*	2 158	2/ 5/74	80E	L.I.
—	—	—	—	4 465	—	—	—
—	—	—	—	(3)	18/12/72	—	L.I.
—	—	—	—	3 324	7/ 3/73	—	L.I.
—	—	—	—	38 7225	13/ 2/73	—	L.I.
—	—	—	—	6 834	5/12/73	—	L.I.
—	—	—	—	37 7117	29/ 3/73	—	L.I.
—	—	—	—	(3)	24/ 8/73	—	L.I.
—	—	—	—	85 15221	16/ 7/73	—	L.I.
—	—	—	—	37 7152	27/11/73	—	L.I.
—	—	—	—	(6)	14/ 5/73	—	L.I.
—	—	—	—	(5)	28/ 2/73	—	L.I.
—	—	—	—	61 10993	—	—	N.L.
5/ 5/72	Refused	18/ 3/74	Quashed*	52 9613	17/ 9/74	80E	L.I.
5/11/70	Refused	19/11/73	Quashed*	52 9599	21/ 3/71	—	L.I.
22/11/71	Refused	28/11/73	Quashed*	78 14133	11/ 4/74	80E	L.I.
—	—	—	—	87 15770}	—	—	—
—	—	—	—	92 16303	18/12/72	—	L.I.
—	—	—	—	1 43	14/ 3/67	—	L.I.
—	—	—	—	4 421	26/10/72	—	L.I.

General Chart Relating to the Files Investigated by the Commission
56 files referred to as the “first group”—*contd.*

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date Notice of Intent	Assessment Date	Assessment Decision
ER3-78577	Jamaica	9/ 9/69	7 (1) (c)	—	12/12/72	(2)	(2)
5-15317	Haiti	13/ 7/71	7 (1) (c)	—	9/ 8/71	13/ 9/71	Accepted
5-17859	Kenya	23/ 5/71	L.I.	—	—	—	—
5-20793	Haiti	16/11/71	7 (1) (c)	X	—	—	—
5-21911	Haiti	15/ 1/72	7 (1) (c)	X	—	—	—
5-22259	Jamaica	15/11/71	7 (1) (c)	—	8/ 3/72	8/ 3/72	Accepted

†Report Section 22 means a report made by an immigration officer under Section 22 of the *Immigration Act*.

*Quashed means the appeal was dismissed but the deportation order was quashed and landing granted, usually under a special program.

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|--|--|
| (1) File eliminated as not relevant. | (12) Never entered Canada; application made from country of origin. |
| (2) Information not available. | (13) Application withdrawn before leaving Canada. |
| (3) Could not be located at time of hearing. | (14) Entered Canada temporarily and left after institution of proceedings. |
| (4) Out of Canada at time of hearing. | (15) Sponsored by landed-immigrant spouse. |
| (5) Did not respond to subpoena. | (16) Visitor who left after visit to Canada. |
| (6) Not a relevant witness. | N.L. Not landed. |
| (7) Left Canada before appeal was heard. | L.I. Landed immigrant status granted. |
| (8) Not applicable—admitted under a special project. | 7 (1) (c) Visitor. |
| (9) Left Canada voluntarily. | 7 (1) (e) Clergyman. |
| (10) Deported. | 7 (1) (f) Student. |
| (11) In Canada under Minister's permit. | 7 (1) (h) Businessman—temporary work permit. |

APPENDIX 10-A

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page		Date of Landing	Project	Status as of 1/7/75
—	—	—	—	4	379	28/ 6/71	—	L.I.
—	—	—	—	66	12274}	8/ 2/72	—	L.I.
—	—	—	—	87	15814}			
—	—	—	—	3	264	23/ 5/71	—	L.I.
22/11/71	Refused	7/ 1/74	Quashed*	85	15327	1/ 5/74	80E	L.I.
17/ 1/72	Refused	22/ 8/74	Quashed*	61	11013	17/12/74	—	L.I.
—	—	—	—	1	84	14/ 4/72	—	L.I.

General Chart Relating to the Files Investigated by the Commission

83 files referred to as the “second group”

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date Notice of Intent	Assessment Date	Assessment Decision
5-990	India	21/ 6/70	7 (I) (c)	—	6/ 7/70	26/ 8/70	Accepted
5-3294	India	18/ 4/70	7 (I) (h)	—	31/ 8/70	20/10/70	Accepted
5-7129	India	13/10/70	7 (I) (c)	—	24/11/70	31/ 1/71	Accepted
5-7557	India	22/11/70	7 (I) (c)	—	7/12/70	16/ 1/71	Accepted
5-8138	India	2/12/70	7 (I) (c)	—	22/12/70	9/ 2/71	Refused
5-10920	India	17/ 3/71	7 (I) (c)	X	—	—	—
5-17246	India	28/ 8/71	7 (I) (c)	—	20/ 9/71	1/11/71	Accepted
5-21444	India	14/11/71	7 (I) (c)	—	7/ 1/72	21/ 2/72	Refused
5-23505	India	15/ 9/71	7 (I) (c)	—	22/ 3/72	14/ 4/72	Accepted
5-23698	India	27/ 3/72	7 (I) (c)	—	5/ 4/72	17/ 5/72	Accepted
5-25487	India	14/ 4/72	7 (I) (c)	—	24/ 5/72	18/ 8/72	Accepted
5-25543	India	5/ 5/72	7 (I) (h)	—	25/ 5/72	15/ 6/72	Accepted
5-25648	India	17/ 5/72	7 (I) (c)	—	29/ 5/72	16/ 6/72	Refused
5-25984	India	8/ 5/72	7 (I) (c)	—	5/ 6/72	27/ 6/72	Accepted
5-25999	India	27/ 5/72	7 (I) (c)	—	6/ 6/72	31/ 7/72	Accepted
5-26238	India	19/ 6/71	7 (I) (e)	—	14/ 6/72	13/ 7/72	Accepted
5-26434	India	3/ 6/72	7 (I) (c)	—	20/ 6/72	17/ 7/72	Accepted
5-26664	India	22/ 5/72	7 (I) (h)	—	23/ 6/72	25/ 7/72	Accepted
5-27485	India	7/ 7/72	7 (I) (c)	—	12/ 7/72	10/ 8/72	Accepted
5-28091	India	8/ 7/72	7 (I) (c)	—	10/ 8/72	7/ 9/72	Accepted
5-28495	India	31/ 7/72	7 (I) (c)	—	7/ 8/72	12/ 9/72	Accepted
5-29170	India	6/ 8/72	7 (I) (c)	—	17/ 8/72	29/ 9/72	Refused
5-29744	India	10/ 8/72	7 (I) (c)	—	25/ 8/72	24/10/72	Refused
5-29757	India	10/ 8/72	7 (I) (c)	—	24/ 8/72	19/ 9/72	Accepted
5-29766	India	11/ 8/72	7 (I) (c)	—	28/ 8/72	22/ 9/72	Accepted
5-29834	India	11/ 8/72	7 (I) (c)	—	28/ 8/72	27/10/72	Accepted
5-30368	India	15/ 8/72	7 (I) (c)	—	5/ 9/72	13/10/72	Accepted
5-30568	India	16/ 3/72	7 (I) (h)	—	7/ 9/72	15/11/72	Refused
5-30596	India	16/ 3/72	7 (I) (h)	—	7/ 9/72	3/11/72	Accepted
5-30664	India	2/ 9/72	7 (I) (c)	—	8/ 9/72	10/10/72	Accepted
5-31181	India	31/ 8/72	7 (I) (c)	—	14/ 9/72	17/10/72	Accepted
5-31321	India	18/ 9/72	7 (I) (c)	—	18/ 9/72	20/10/72	Accepted
5-31440	India	3/ 9/72	7 (I) (c)	—	18/ 9/72	23/10/72	Accepted
5-31831	India	4/ 9/72	7 (I) (c)	—	21/ 9/72	8/ 3/73	Refused
5-31901	India	13/ 9/72	7 (I) (c)	—	21/ 9/72	24/10/72	Accepted
5-32639	India	19/ 9/72	7 (I) (c)	—	28/ 9/72	2/11/72	Accepted
5-32640	India	23/ 9/72	7 (I) (c)	—	28/ 9/72	27/11/72	Accepted
5-32648	India	13/ 8/72	7 (I) (c)	—	26/ 9/72	31/10/72	Accepted
5-32651	India	17/ 9/72	7 (I) (c)	—	25/ 9/72	27/10/72	Accepted
5-32660	India	5/ 8/72	7 (I) (c)	—	27/ 9/72	12/12/72	Accepted
5-32663	India	22/ 9/72	7 (I) (c)	—	26/ 9/72	30/10/72	Accepted
5-32757	India	27/ 9/72	7 (I) (h)	—	2/10/72	11/ 1/73	Accepted
5-32758	India	27/ 9/72	7 (I) (c)	—	28/ 9/72	2/11/72	Accepted
5-32783	India	21/ 9/72	7 (I) (c)	—	25/ 9/72	30/10/72	Accepted
5-32868	India	20/ 9/72	7 (I) (c)	—	30/10/72	8/11/72	Accepted
5-32924	India	25/ 9/72	7 (I) (c)	—	3/10/72	6/11/72	Accepted
5-32928	India	26/ 9/72	7 (I) (c)	—	2/10/72	8/11/72	Accepted
5-32929	India	27/ 9/72	7 (I) (c)	—	4/10/72	9/11/72	Accepted
5-32934	India	18/ 9/72	7 (I) (c)	—	(2)	7/11/72	Accepted
5-32955	India	23/ 9/72	7 (I) (c)	—	4/10/72	9/11/72	Accepted
5-32968	India	26/ 9/72	7 (I) (c)	—	3/10/72	7/12/72	Refused
5-32969	India	22/ 9/72	7 (I) (c)	—	3/11/72	14/11/72	Accepted

APPENDIX 10-B

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page	Date of Landing	Project	Status as of 1/7/75
—	—	—	—	36 7079	2/ 8/71	—	L.I.
—	—	—	—	42 7868	23/ 4/71	—	L.I.
—	—	—	—	56 9980		—	L.I.
—	—	—	—	36 7014	4/ 6/71	—	L.I.
—	—	—	—	23 3910	11/ 6/71	—	L.I.
22/ 9/71	Accepted	—	—	23 3839	20/ 6/72	—	L.I.
18/ 3/71	Refused	26/ 2/73	Deport	(4)	(10)	—	—
—	—	—	—	25 4225	9/ 5/72	—	L.I.
(8)	—	—	—	36 6977	19/ 7/73	80	L.I.
—	—	—	—	33 6037	15/ 9/72	—	L.I.
—	—	—	—	26 4689	10/10/72	—	L.I.
—	—	—	—	28 5022	23/ 7/73	—	L. .
—	—	—	—	90 16167	(9)	—	—
(8)	—	—	—	34 6289	20/ 9/73	80	L.I.
—	—	—	—	15 2582	11/ 7/73	—	L.I.
—	—	—	—	9 1592	13/ 8/73	—	L.I.
—	—	—	—	13 2124		—	L.I.
—	—	—	—	33 6070	14/ 9/72	—	L.I.
—	—	—	—	23 3995	22/11/73	—	L.I.
—	—	—	—	24 4103	3/ 8/73	—	L.I.
—	—	—	—	43 8149	27/ 9/73	—	L.I.
—	—	—	—	36 7064	8/ 2/74	—	L.I.
—	—	—	—	15 2650	14/ 8/73	—	L.I.
7/11/72	Refused	2/ 4/74	Quashed*	33 6135	27/ 8/74	80E	L.I.
2/ 5/73	Refused	12/ 3/74	Quashed*	33 6167	16/ 5/74	80E	L.I.
—	—	—	—	(3)	3/ 7/73	—	L.I.
—	—	—	—	13 2211	18/ 7/73	—	L.I.
—	—	—	—	9 1669	20/ 3/74	—	L.I.
—	—	—	—	13 2181		—	L.I.
—	—	—	—	29 5250	31/ 7/74	—	L.I.
(8)	—	—	—	27 4794	10/10/73	80	L.I.
—	—	—	—	27 4856	5/ 2/74	—	L.I.
—	—	—	—	36 6958	21/ 8/73	—	L.I.
—	—	—	—	36 6933	15/ 1/74	—	L.I.
—	—	—	—	33 6101	15/10/73	—	L.I.
—	—	—	—	55 9855	28/ 6/73	—	L.I.
17/ 4/73	Refused	17/ 4/73	Quashed*	28 5164	13/ 6/73	—	L.I.
—	—	—	—	36 6863	8/ 1/74	—	L.I.
—	—	—	—	28 5102	5/11/73	—	L.I.
—	—	—	—	55 9910	10/10/73	—	L.I.
—	—	—	—	36 6907	22/ 8/73	—	L.I.
—	—	—	—	(3)	23/10/73	—	L.I.
—	—	—	—	27 4973	11/ 9/73	—	L.I.
—	—	—	—	14 2367	11/10/74	—	L.I.
—	—	—	—	26 4467	16/ 8/73	—	L.I.
—	—	—	—	14 2439	21/12/73	—	L.I.
—	—	—	—	35 6539	(2)	—	—
—	—	—	—	8 1319	23/ 1/74	—	L.I.
—	—	—	—	27 4758	10/ 7/73	—	L.I.
—	—	—	—	26 4733	6/12/73	—	L.I.
—	—	—	—	29 5225	31/10/73	—	L.I.
—	—	—	—	81 14426	9/10/73	—	L.I.
—	—	—	—	55 9891	6/11/73	—	L.I.
31/ 5/73	Refused	28/ 3/74	Quashed*	26 4659	2/ 4/74	80E	L.I.
—	—	—	—	76 13908	17/ 9/73	—	L.I.

General Chart Relating to the Files Investigated by the Commission
83 files referred to as the "second group"—*contd.*

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date Notice of Intent	Assessment Date	Assessment Decision
5-33030	India	22/ 9/72	7 (1) (c)	—	5/10/72	14/11/72	Accepted
5-33086	India	22/ 9/72	7 (1) (c)	—	4/10/72	10/11/72	Accepted
5-33093	India	27/ 9/72	7 (1) (c)	—	5/10/72	10/11/72	Accepted
5-33105	India	26/ 9/72	7 (1) (c)	—	5/10/72	6/11/72	Accepted
5-33128	India	2/10/72	7 (1) (h)	—	10/10/72	16/11/72	Accepted
5-33140	India	28/ 9/72	7 (1) (c)	—	16/10/72	14/11/72	Accepted
5-33211	India	30/ 9/72	7 (1) (c)	—	10/10/72	10/11/72	Accepted
5-33570	India	23/ 9/72	7 (1) (c)	—	11/10/72	21/11/72	Accepted
5-33571	India	6/10/72	7 (1) (c)	—	11/10/72	8/12/72	Accepted
5-34062	India	8/10/72	7 (1) (c)	—	17/10/72	24/11/72	Accepted
5-34282	India	13/10/72	7 (1) (c)	—	20/10/72	28/11/72	Accepted
5-35286	India	27/10/72	7 (1) (c)	—	3/11/72	7/12/72	Accepted
5-35479	India	28/10/72	7 (1) (c)	—	30/10/72	1/12/72	Accepted
ER3-68086	Trinidad	20/ 3/69	7 (1) (c)	—	(2)	—	—
5-19282	W. Pakistan	28/ 6/71	7 (1) (h)	—	9/11/71	16/11/71	Accepted
5-27902	India	14/ 7/72	7 (1) (c)	—	25/ 7/72	5/ 7/73	Accepted
5-29735	India	10/ 8/72	7 (1) (c)	—	24/ 8/72	19/ 9/72	Refused
5-31663	India	10/ 8/72	7 (1) (c)	—	24/ 8/72	26/ 2/73	Accepted
5-32171	India	29/ 8/72	7 (1) (c)	X	—	—	—
5-36220	India	28/10/72	7 (1) (c)	X	—	—	—
5-37615	India	15/ 3/72	7 (1) (h)	—	10/10/72	20/11/72	Accepted
5-41153	India	10/ 8/72	7 (1) (c)	—	25/ 8/72	27/ 9/72	Refused
5-44330	India	7/ 8/72	7 (1) (h)	—	26/ 9/73	(8)	—
5-44331	India	16/ 3/72	7 (1) (h)	—	23/10/72	20/11/72	Accepted
5-51439	India	17/10/73	7 (1) (c)	X	—	—	—
5-65992	India	16/ 3/72	7 (1) (h)	—	10/10/72	20/11/72	Accepted
5-65993	India	16/ 3/72	7 (1) (h)	—	23/10/72	29/11/72	Accepted
5-69000	India	19/ 2/73	7 (1) (c)	—	(11)	—	—
3-69197	India	8/12/68	7 (1) (c)	—	26/ 3/69	10/ 4/69	Refused
5-70356	India	7/ 8/72	7 (1) (h)	—	30/ 8/72	26/10/72	Refused
5-95409	India	16/ 8/72	7 (1) (c)	—	24/ 8/72	19/10/72	Refused

†Report Section 22 means a report made by an immigration officer under Section 22 of the *Immigration Act*.

*Quashed means the appeal was dismissed but the deportation order was quashed and landing granted, usually under a special program.

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|--|--|
| (1) File eliminated as not relevant. | (12) Never entered Canada; application made from country of origin. |
| (2) Information not available. | (13) Application withdrawn before leaving Canada. |
| (3) Could not be located at time of hearing. | (14) Entered Canada temporarily and left after institution of proceedings. |
| (4) Out of Canada at time of hearing. | (15) Sponsored by landed-immigrant spouse. |
| (5) Did not respond to subpoena. | (16) Visitor who left after visit to Canada. |
| (6) Not a relevant witness. | N.L. Not landed. |
| (7) Left Canada before appeal was heard. | L.I. Landed immigrant status granted. |
| (8) Not applicable—admitted under a special project. | 7 (1) (c) Visitor. |
| (9) Left Canada voluntarily. | 7 (1) (e) Clergyman. |
| (10) Deported. | 7 (1) (f) Student. |
| (11) In Canada under Minister's permit. | 7 (1) (h) Businessman—temporary work permit. |

APPENDIX 10-B

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page	Date of Landing	Project	Status as of 1/7/75
—	—	—	—	(3)	3/12/73	—	L.I.
—	—	—	—	23 3952	9/10/73	—	L.I.
—	—	—	—	26 4373	4/12/73	—	L.I.
—	—	—	—	57 10394	26/10/73	—	L.I.
—	—	—	—	34 6489	29/ 8/73	—	L.I.
—	—	—	—	55 9953	13/ 7/73	—	L.I.
—	—	—	—	33 6221	25/ 7/73	—	L.I.
—	—	—	—	36 7042	18/ 6/73	—	L.I.
9/ 5/73	Refused	12/ 3/74	Quashed*	26 4585	13/ 6/74	80E	L.I.
—	—	—	—	19 3331	6/ 8/73	—	L.I.
—	—	—	—	33 6209	5/10/73	—	L.I.
—	—	—	—	33 6120	10/ 7/73	—	L.I.
—	—	—	—	34 6447	4/10/73	—	L.I.
—	—	—	—	9 1434	27/ 2/70	—	L.I.
—	—	—	—	14 2296			
—	—	—	—	86 15624	1/ 3/72	—	L.I.
—	—	—	—	34 6399	5/ 7/73	—	L.I.
6/ 4/73	Refused	11/ 4/73	Quashed*	84 14894	6/ 6/74	80E	L.I.
—	—	—	—	86 15713			
—	—	—	—	88 15846	28/ 8/73	—	L.I.
12/ 9/72	Refused	21/ 1/74	Quashed*	84 15131	29/ 5/74	80E	L.I.
28/10/72	Refused	(13)	—	(4)	(13)	—	—
—	—	—	—	35 6608	26/ 9/73	—	L.I.
5/11/73	Accepted	—	—	88 15906	5/11/73	—	L.I.
—	—	—	—	72 12959	30/10/73	80	L.I.
—	—	—	—	35 6773	13/ 9/73	—	L.I.
27/ 9/74	Refused	—	—	(4)	(10)	—	—
—	—	—	—	35 6835	5/ 9/73	—	L.I.
—	—	—	—	35 6800	11/ 9/73	—	L.I.
—	—	—	—	80 14312	(11)	—	—
11/ 3/70	Refused	(2)	Quashed*	27 4998	17/ 5/73	—	L.I.
20/ 7/73	Refused	9/ 4/74	Quashed*	79 14212	15/ 8/74	80E	L.I.
8/ 5/73	Accepted	—	—	56 10153	8/ 5/73	—	L.I.

General Chart Relating to the Files Investigated by the Commission

268 files referred to as the "third group"

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date Notice of Intent	Assessment Date	Assessment Decision
5-138	India	29/ 4/70	7 (1) (c)	—	(2)	(2)	Refused
5-2901	Trinidad	2/ 8/70	7 (1) (c)	—	21/ 8/70	24/ 9/70	Accepted
5-3577 (1)	India	25/ 8/70	7 (1) (c)	—	30/ 5/70	22/ 2/71	Refused
5-3649 (1)	Haiti	2/ 9/70	7 (1) (c)	—	4/ 9/70	26/10/70	Refused
5-7002 (1)	India	3/11/70	7 (1) (c)	—	20/11/70	6/ 1/71	Refused
5-12026	India	28/ 4/71	7 (1) (c)	—	4/ 5/71	8/ 6/71	Refused
5-12572	India	26/ 9/70	7 (1) (f)	—	5/ 7/73	24/ 8/73	Accepted
5-12789 (1)	India	23/ 5/71	7 (1) (c)	—	31/ 5/71	7/ 6/71	Refused
5-12927 (1)	India	31/ 5/71	7 (1) (c)	—	3/ 6/71	30/ 6/71	Refused
5-13867	India	30/ 4/70	7 (1) (c)	—	13/ 7/71	2/ 8/71	Refused
5-13919 (1)	India	23/ 6/71	7 (1) (c)	—	12/ 7/71	5/ 8/71	Refused
5-14550 (1)	Haiti	28/ 6/71	7 (1) (c)	—	6/ 8/71	13/ 9/71	Accepted
5-15231 (1)	Haiti	1/ 7/71	7 (1) (c)	—	5/ 8/71	15/12/71	Accepted
5-16889 (1)	India	14/ 5/72	L.I.	—	—	—	—
5-17270	U.S.A.	4/ 9/71	7 (1) (c)	—	20/ 9/71	(2)	(2)
5-17769 (1)	Haiti	31/ 8/71	7 (1) (f)	—	21/ 8/73	28/ 9/73	Accepted
5-17878 (1)	India	10/ 2/71	7 (1) (c)	X	15/ 6/71	—	—
5-18152 (1)	Haiti	7/10/71	7 (1) (c)	—	29/10/71	17/ 1/72	Refused
5-20049 (1)	India	27/ 9/72	7 (1) (c)	—	2/ 8/71	(2)	(2)
5-21073	India	14/11/71	7 (1) (c)	—	(2)	17/ 4/72	Refused
5-21931	Scotland	9/ 9/70	7 (1) (f)	—	(2)	(2)	(2)
5-22854	Yugoslavia	(12)	—	—	—	—	—
5-24065	India	20/ 3/72	7 (1) (c)	—	11/ 4/72	28/ 4/72	Accepted
5-27182 (1)	India	30/ 6/72	7 (1) (c)	—	18/ 7/72	17/ 8/72	Accepted
5-27557 (1)	India	26/ 6/72	7 (1) (c)	—	17/ 7/72	15/ 8/72	Accepted
5-27698	Italy	3/ 7/72	7 (1) (c)	—	19/ 7/72	18/ 8/72	Accepted
5-28051 (1)	India	22/ 7/72	7 (1) (c)	—	27/ 7/72	28/ 8/72	Accepted
5-28571 (1)	Uruguay	8/ 7/72	7 (1) (c)	—	7/ 8/72	12/ 9/72	Refused
5-28631 (1)	India	7/ 8/72	7 (1) (c)	—	9/ 8/72	13/ 9/72	Accepted
5-29068	India	12/ 8/72	7 (1) (c)	—	16/ 8/72	24/10/72	Accepted
5-29127	India	6/ 8/72	7 (1) (c)	—	17/ 8/72	29/ 9/72	Refused
5-29128	India	12/ 8/72	7 (1) (c)	—	17/ 8/72	29/ 9/72	Refused
5-29129	India	9/ 8/72	7 (1) (c)	—	17/ 8/72	29/ 9/72	Refused
5-29148	India	6/ 8/72	7 (1) (c)	—	16/ 8/72	29/ 9/72	Accepted
5-29741	Guyana	30/ 4/72	7 (1) (c)	—	28/ 8/72	28/ 9/72	Refused
5-29751	India	10/ 8/72	7 (1) (c)	—	24/ 8/72	17/10/72	Refused
5-29772	India	21/ 8/72	7 (1) (c)	—	28/ 8/72	22/ 9/72	Refused
5-29798	India	28/ 8/72	7 (1) (c)	—	20/ 8/72	21/ 9/72	Refused
5-29892	India	2/ 8/72	7 (1) (c)	—	28/ 8/72	21/ 9/72	Accepted
5-30063 (1)	India	20/ 8/72	7 (1) (c)	—	29/ 8/72	28/ 9/72	Accepted
5-30199	India	26/ 8/72	7 (1) (c)	—	31/ 8/72	28/ 9/72	Refused
5-30214	India	26/ 8/72	7 (1) (c)	—	31/ 8/72	27/ 9/72	Refused
5-30570	India	2/ 9/72	7 (1) (c)	—	7/ 9/72	3/10/72	Refused
5-30663 (1)	India	3/ 9/72	7 (1) (c)	—	8/ 9/72	10/10/72	Accepted
5-30873 (1)	India	27/ 8/72	7 (1) (c)	—	8/ 9/72	12/10/72	Accepted
5-30894	India	5/ 9/72	7 (1) (c)	—	11/ 9/72	13/10/72	Accepted
5-30918	India	3/ 9/72	7 (1) (c)	—	12/ 9/72	12/10/72	Refused
5-31024	India	7/ 9/72	7 (1) (c)	—	11/ 9/72	21/10/72	Accepted
5-31351	India	5/ 9/72	7 (1) (c)	—	14/ 9/72	17/10/72	Accepted
5-31421 (1)	India	13/ 9/72	7 (1) (c)	—	18/ 9/72	19/10/72	Accepted
5-31604	Italy	21/ 8/72	7 (1) (c)	—	20/ 9/72	(14)	—
5-31615	India	13/ 9/72	7 (1) (c)	—	20/ 9/72	20/10/72	Refused
5-31638	India	14/ 9/72	7 (1) (c)	—	20/ 9/72	20/10/72	Refused
5-31796	Haiti	19/ 9/72	7 (1) (c)	—	22/ 9/72	27/10/72	Refused

APPENDIX 10-C

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page	Date of Landing	Project	Status as of 1/7/75
30/ 4/70	Refused	(2)	(2)	(3)	(2)	—	—
—	—	—	—	29 5273	6/ 1/72	—	L.I.
(8)	—	—	—	(1)	2/ 1/73	80	L.I.
29/ 4/71	Refused	7/11/73	Quashed*	(1)	10/ 4/74	80E	L.I.
(15)	—	—	—	(1)	20/12/71	—	L.I.
(8)	—	—	—	(3)	24/ 1/73	80	L.I.
—	—	—	—	(3)	29/10/73	97	L.I.
(8)	—	—	—	(1)	13/ 7/73	80	L.I.
(8)	—	—	—	(1)	6/11/73	80	L.I.
3/ 7/73	Refused	3/ 7/73	Quashed*	31 5697	23/ 9/74	80E	L.I.
(8)	—	—	—	(1)	22/ 1/74	80	L.I.
—	—	—	—	(1)	22/12/71	—	L.I.
—	—	—	—	(1)	13/ 3/72	—	L.I.
—	—	—	—	(1)	14/ 5/72	—	L.I.
(2)	(2)	(2)	(2)	(3)	(2)	—	—
—	—	—	—	(1)	11/10/73	97	L.I.
11/ 2/71	Refused	11/ 2/71	Quashed*	(1)	8/ 3/72	—	L.I.
(8)	—	—	—	(1)	7/ 3/74	80	L.I.
(2)	(2)	(2)	(2)	14 2439	3/ 2/72	—	L.I.
(8)	—	—	—	(3)	2/11/72	80	L.I.
(2)	(2)	(2)	(2)	(4)	(14)	—	—
—	—	—	—	(4)	(12)	—	—
—	—	—	—	30 5313	11/10/72	—	L.I.
—	—	—	—	(1)	1/ 6/73	—	L.I.
—	—	—	—	(1)	5/ 6/73	—	L.I.
—	—	—	—	(4)	(14)	—	—
—	—	—	—	(1)	20/ 9/73	—	L.I.
(8)	—	—	—	67 12394	9/ 5/73	80	L.I.
—	—	—	—	(1)	20/ 6/73	—	L.I.
—	—	—	—	(3)	1/ 5/73	—	L.I.
15/11/72	Refused	21/ 1/74	Quashed*	30 5464	30/ 5/74	—	L.I.
8/11/72	Refused	25/ 2/74	Quashed*	21 3582	28/ 1/75	—	L.I.
2/ 4/73	Refused	18/ 3/74	Quashed*	57 10306	7/ 5/74	80E	L.I.
—	—	—	—	(3)	18/ 2/74	80	L.I.
27/ 3/73	Refused	2/ 5/74	Quashed*	34 6235	8/10/74	80	L.I.
13/ 4/73	Refused	4/ 4/74	Quashed*	84 15060	20/ 8/74	80E	L.I.
17/11/72	Refused	(7)	—	(4)	(7)	—	—
10/ 7/73	Refused	(8)	—	(4)	31/10/74	80E	L.I.
—	—	—	—	31 5709	4/ 1/74	80	L.I.
—	—	—	—	(1)	10/ 5/73	80	L.I.
24/11/72	Refused	21/ 1/74	Quashed*	67 12347	26/ 6/74	80E	L.I.
30/11/72	Refused	18/ 4/74	Quashed*	67 12367	9/ 8/74	80E	L.I.
1/11/72	Refused	30/ 1/74	Quashed*	20 3480	28/ 3/74	80E	L.I.
—	—	—	—	(1)	13/12/73	80	L.I.
—	—	—	—	(1)	14/ 2/74	80	L.I.
—	—	—	—	21 3538	8/ 3/74	80	L.I.
(8)	—	—	—	20 3464	9/10/73	97	L.I.
—	—	—	—	14 2498	5/ 7/73	80	L.I.
—	—	—	—	12 2018	10/ 7/73	80	L.I.
—	—	—	—	(1)	29/11/73	80	L.I.
—	—	—	—	(4)	(14)	—	—
22/ 3/73	Refused	1/ 4/74	Quashed*	15 2547}	23/ 7/74	80E	L.I.
26/ 4/73	Refused	28/ 3/74	Quashed*	21 3550}	27/ 8/74	80E	L.I.
17/ 5/73	Refused	9/ 4/74	Quashed*	40 7516	30/ 8/74	80E	L.I.
—	—	—	—	32 5847	—	—	—

General Chart Relating to the Files Investigated by the Commission

268 files referred to as the "third group"—*contd.*

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date Notice of Intent	Assessment Date	Assessment Decision
5-31841 (1)	India	14/ 9/72	7 (1) (c)	—	21/ 9/72	24/10/72	Refused
5-31852	India	14/ 9/72	7 (1) (c)	—	22/ 9/72	26/10/72	Refused
5-31859 (1)	India	17/ 9/72	7 (1) (c)	—	22/ 9/72	7/11/72	Refused
5-31863	India	18/ 9/72	7 (1) (c)	—	22/ 9/72	27/10/72	Accepted
5-31879	India	14/ 9/72	7 (1) (c)	—	22/ 9/72	26/10/62	Refused
5-32067	Haiti	22/ 9/72	7 (1) (c)	—	25/ 9/72	30/10/72	Refused
5-32137 (1)	India	13/ 9/72	7 (1) (c)	—	22/ 9/72	26/10/72	Refused
5-32516 (1)	India	17/ 9/72	7 (1) (c)	—	29/ 9/72	3/11/72	Accepted
5-32623 (1)	India	25/ 9/72	7 (1) (c)	—	29/ 9/72	27/10/72	Refused
5-32624 (1)	India	25/ 9/72	7 (1) (c)	—	2/10/72	9/11/72	Accepted
5-32626 (1)	India	25/ 9/72	7 (1) (c)	—	28/ 9/72	3/11/72	Refused
5-32631 (1)	India	17/ 9/72	7 (1) (c)	—	27/ 9/72	31/10/72	Accepted
5-32633	India	28/ 9/72	7 (1) (c)	—	28/ 9/72	25/10/72	Refused
5-32642	India	21/10/72	7 (1) (c)	—	26/10/72	19/12/72	Accepted
5-32650	India	13/10/72	7 (1) (c)	—	(2)	31/10/72	Refused
5-32662 (1)	India	17/ 9/72	7 (1) (c)	—	26 /9/72	26/10/72	Refused
5-32703	India	15/ 9/72	7 (1) (c)	—	25/ 9/72	27/10/72	Refused
5-32709 (1)	India	17/ 9/72	7 (1) (c)	—	26/ 9/72	(2)	—
5-32712	India	22/ 9/72	7 (1) (c)	—	2/10/72	6/11/72	Refused
5-32740	India	19/ 9/72	7 (1) (c)	—	27/ 9/72	2/11/72	Accepted
5-32760	India	17/ 9/72	7 (1) (c)	—	25/ 9/72	30/10/72	Accepted
5-32775	Haiti	17/ 9/72	7 (1) (c)	—	2/10/72	7/11/72	Refused
5-32930 (1)	India	23/ 9/72	7 (1) (c)	—	(2)	(2)	—
5-32966	Haiti	20/ 9/72	7 (1) (c)	—	3/10/72	25/10/72	Refused
5-32967 (1)	India	25/ 9/72	7 (1) (c)	—	4/10/72	13/ 1/73	Accepted
5-32984	Haiti	14/ 9/72	7 (1) (c)	—	4/10/72	10/11/72	Refused
5-33019 (1)	India	27/ 9/72	7 (1) (c)	—	5/10/72	10/11/72	Refused
5-33024	India	25/ 9/72	7 (1) (c)	—	4/10/72	9/11/72	Accepted
5-33147	Colombia	7/ 9/72	7 (1) (c)	—	16/10/72	16/11/72	Refused
5-33250 (1)	India	28/ 9/72	7 (1) (c)	—	10/10/72	20/11/72	Refused
5-33251 (1)	India	1/10/72	7 (1) (c)	—	10/10/72	16/11/72	Accepted
5-33349	Haiti	16/ 9/72	7 (1) (c)	—	6/10/72	16/11/72	Refused
5-33457	Haiti	27/ 9/72	7 (1) (c)	—	11/10/72	20/10/72	Refused
5-33521 (1)	Haiti	26/ 9/72	7 (1) (c)	X	—	—	—
5-33591	Haiti	9/10/72	7 (1) (c)	—	12/10/72	3/11/72	Refused
5-33697	India	27/ 9/72	7 (1) (c)	X	—	—	—
5-33736	Portugal	26/ 8/72	7 (1) (c)	—	12/10/72	9/11/72	Refused
5-33936 (1)	India	11/10/72	7 (1) (c)	—	16/10/72	27/10/72	Refused
5-33939	Haiti	6/10/72	7 (1) (c)	—	16/10/72	22/11/72	Refused
5-33949 (1)	Haiti	9/10/72	7 (1) (c)	—	17/10/72	24/11/72	Refused
5-33959	India	10/ 8/72	7 (1) (c)	—	24/ 8/72	27/11/72	Refused
5-34004	Haiti	14/10/70	7 (1) (c)	—	17/10/72	19/12/72	Refused
5-34010	Italy	13/10/72	7 (1) (c)	—	17/10/72	23/11/72	Refused
5-34014	Haiti	9/10/72	7 (1) (c)	—	16/10/72	20/12/72	Refused
5-34261 (1)	India	11/10/72	7 (7) (c)	—	19/10/72	4/12/72	Refused
5-34337	Haiti	9/10/72	7 (1) (c)	—	20/10/72	20/11/72	Refused
5-34389	India	14/10/72	7 (1) (c)	—	14/10/72	22/11/72	Accepted
5-34527 (1)	India	24/11/72	7 (1) (c)	—	(2)	(2)	(2)
5-34674	India	23/10/72	7 (1) (c)	—	25/11/72	28/11/72	Accepted
5-34718	Haiti	21/10/72	7 (1) (c)	—	26/10/72	22/11/72	Refused
5-35232	Haiti	24/10/72	7 (1) (c)	—	30/10/72	5/12/72	Refused
5-35422 (1)	India	28/10/72	7 (1) (c)	—	30/10/72	1/12/72	Refused
5-35544	India	28/10/72	7 (1) (c)	—	1/11/72	5/12/72	Accepted
5-35721	Haiti	28/10/72	7 (1) (c)	—	1/ 2/73	—	—
5-35740	Haiti	13/10/72	7 (1) (c)	—	27/10/72	15/12/72	Accepted

APPENDIX 10-C

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page	Date of Landing	Project	Status as of 1/7/75
3/ 5/73 (2)	Refused —	1/ 4/74 —	Quashed* —	(1) 79 14268	15/ 7/74 —	80E —	L.I. N.L.
12/ 4/73 —	Refused —	(8) —	— —	(1) 67 12379	22/ 4/74 20/ 6/73	80E 80	L.I. L.I.
7/ 5/73	Refused	25/ 3/74	Quashed*	19 3367	21/ 5/74	80E	L.I.
27/ 4/73	Refused	24/ 4/74	Quashed*	32 6004	25/ 7/74	80E	L.I.
5/ 4/73	Accepted	—	—	(1)	19/12/73	80	L.I.
—	—	—	—	(1)	10/ 8/73	80	L.I.
19/ 3/73	Refused	12/ 3/74	Quashed*	(1)	19/ 3/73	80E	L.I.
—	—	—	—	(1)	15/ 6/73	80	L.I.
27/ 3/73	Refused	2/ 4/74	Quashed*	(1)	15/10/74	80E	L.I.
—	—	—	—	(1)	11/ 6/73	80	L.I.
(2)	—	—	—	(3)	5/12/73	97	L.I.
—	—	—	—	(3)	28/ 8/73	80	L.I.
(9)	—	—	—	(4)	(9)	—	—
19/ 4/73	Accepted	—	—	(1)	11/ 7/74	80	L.I.
7/12/72	Refused	20/ 2/74	Quashed*	54 9788	21/ 5/74	80E	L.I.
—	—	—	—	(1)	7/ 5/75	—	L.I.
2/ 4/73	Refused	11/ 3/74	Quashed*	57 10478	4/ 7/74	80E	L.I.
—	—	—	—	31 5662	1/10/73	80	L.I.
—	—	—	—	41 7627	14/ 8/73	80	L.I.
(8)	—	—	—	24 4201	4/ 2/74	80	L.I.
—	—	—	—	(1)	—	—	N.L.
25/ 4/73	Refused	24/ 4/74	Quashed*	32 6013	7/ 8/74	80E	L.I.
—	—	—	—	(1)	22/ 4/74	80	L.I.
9/ 5/73	Refused	9/ 4/74	Quashed*	17 3023	16/ 7/74	80E	L.I.
18/ 5/73	Refused	10/ 4/74	Quashed*	(1)	13/ 8/74	80E	L.I.
—	—	—	—	(3)	13/ 7/73	80	L.I.
3/ 4/73	Refused	(2)	—	(3)	16/ 8/74	80E	L.I.
25/ 5/73	Refused	26/ 3/74	Quashed*	(1)	8/ 7/74	80E	L.I.
—	—	—	—	(1)	15/ 1/74	80	L.I.
30/ 3/73	Refused	17/ 4/74	Quashed*	27 4942	12/ 9/74	80E	L.I.
6/ 4/73	Refused	(2)	—	(3)	(2)	—	—
10/10/72	Refused	21/ 1/74	Quashed*	(1)	4/ 6/74	80E	L.I.
(9)	—	—	—	(4)	(9)	—	—
28/ 9/72	Refused	29/ 1/74	Quashed*	54 9776	16/ 5/74	80E	L.I.
9/ 4/73	Accepted	—	—	(4)	(2)	—	—
22/ 3/73	Refused	1/ 3/74	Quashed*	(1)	12/ 6/74	80E	L.I.
6/ 4/72	Refused	2/ 4/74	Quashed*	17 2904	12/10/74	—	L.I.
18/ 5/73	Refused	1/ 4/74	Quashed*	(1)	28/ 8/74	—	L.I.
(15)	—	—	—	84 15002	20/ 9/73	97	L.I.
16/ 5/73	Accepted	—	—	17 2923	29/ 1/74	80	L.I.
13/ 7/73	Refused	5/ 3/74	Quashed*	53 9690	24/ 7/74	80	L.I.
(8)	—	—	—	77 13964	16/11/73	80	L.I.
16/ 4/73	Refused	2/ 4/74	Quashed*	(1)	11/ 9/74	80E	L.I.
23/ 3/73	Refused	8/ 4/74	Quashed*	17 2976	20/ 6/74	—	L.I.
—	—	—	—	(3)	29/ 6/73	80	L.I.
—	—	—	—	(1)	19/ 9/73	80	L.I.
(8)	—	—	—	19 3224	2/11/73	80	L.I.
—	—	—	—	88 16059	8/ 7/74	97	L.I.
16/ 4/73	Refused	18/ 4/74	Quashed*	32 5887	19/ 8/74	80E	L.I.
26/ 3/73	Refused	3/ 4/74	Quashed*	(1)	4/12/74	80E	L.I.
—	—	—	—	(3)	2/ 5/74	80	L.I.
28/ 3/73	Refused	6/ 3/74	Quashed*	17 2991	12/ 6/74	80E	L.I.
—	—	—	—	43 8139	13/ 8/73	80	L.I.

General Chart Relating to the Files Investigated by the Commission

268 files referred to as the "third group"—*contd.*

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date Notice of Intent	Assessment Date	Assessment Decision
5-35784	Haiti	6/ 9/72	7 (1) (c)	—	20/11/72	—	—
5-35803	Haiti	28/10/72	7 (1) (c)	—	12/11/72	—	—
5-35811	Haiti	31/10/72	7 (1) (c)	—	13/ 4/73	—	—
5-35817	Granada	29/10/72	7 (1) (c)	X	—	—	—
5-35850 (1)	Haiti	3/11/72	7 (1) (c)	X	—	—	—
5-35877	India	20/ 9/72	7 (1) (c)	X	—	—	—
5-35913	India	27/10/72	7 (1) (c)	—	(2)	—	—
5-35943	Haiti	29/10/72	7 (1) (c)	—	17/11/72	—	—
5-35976	India	20/ 9/72	7 (1) (c)	X	—	—	—
5-36005	India	26/10/72	7 (1) (c)	—	—	—	—
5-36016	India	26/10/72	7 (1) (c)	X	—	—	—
5-36018	India	27/10/72	7 (1) (c)	X	—	—	—
5-36020	India	26/10/72	7 (1) (c)	—	6/12/72	(2)	—
5-36025	India	25/10/72	7 (1) (c)	X	—	(13)	—
5-36090	India	1/10/72	7 (1) (c)	X	—	—	—
5-36093	India	29/ 9/72	7 (1) (c)	X	—	—	—
5-36094	India	30/ 9/72	7 (1) (c)	X	—	—	—
5-36109	India	29/ 9/72	7 (1) (c)	X	—	—	—
5-36112	India	7/11/72	7 (1) (c)	—	(2)	—	—
5-36121	India	6/10/72	7 (1) (c)	X	—	—	—
5-36128	India	27/10/72	7 (1) (c)	X	—	—	—
5-36160	Haiti	28/10/72	7 (1) (c)	X	—	—	—
5-36168	Haiti	28/10/72	7 (1) (c)	X	—	—	—
5-36180	Haiti	28/10/72	7 (1) (c)	X	—	—	—
5-36187	India	28/10/72	7 (1) (c)	X	—	—	—
5-36194	Greece	28/10/72	7 (1) (c)	X	(2)	—	—
5-36198	India	28/10/72	7 (1) (c)	X	—	—	—
5-36209	India	28/10/72	7 (1) (c)	X	—	—	—
5-36217	India	28/10/72	7 (1) (c)	X	—	—	—
5-36218	India	28/10/72	7 (1) (c)	X	—	—	—
5-36221	India	28/10/72	7 (1) (c)	X	—	—	—
5-36222	India	28/10/72	7 (1) (c)	X	—	—	—
5-36223	India	28/10/72	7 (1) (c)	X	—	—	—
5-36224	India	28/10/72	7 (1) (c)	X	—	—	—
5-36225	India	28/10/72	7 (1) (c)	X	—	—	—
5-36226	India	28/10/72	7 (1) (c)	X	—	—	—
5-36227	India	28/10/72	7 (1) (c)	X	—	—	—
5-36228	India	28/10/72	7 (1) (c)	X	—	—	—
5-36229	India	28/10/72	7 (1) (c)	X	—	—	—
5-36230	India	28/10/72	7 (1) (c)	X	—	—	—
5-36231	India	28/10/72	7 (1) (c)	X	—	—	—
5-36232	India	28/10/72	7 (1) (c)	X	—	—	—
5-36234	India	28/10/72	7 (1) (c)	X	—	—	—
5-36235	India	28/10/72	7 (1) (c)	X	—	—	—
5-36236	India	28/10/72	7 (1) (c)	X	—	—	—
5-36237	India	28/10/72	7 (1) (c)	X	—	—	—
5-36238	India	28/10/72	7 (1) (c)	—	(9)	—	—
5-36239	India	28/10/72	7 (1) (c)	X	—	—	—
5-36240	India	28/10/72	7 (1) (c)	X	—	—	—
5-36241	India	28/10/72	7 (1) (c)	X	—	—	—
5-36242	India	28/10/72	7 (1) (c)	X	—	—	—
5-36250	India	6/10/72	7 (1) (c)	X	—	—	—
5-36267	India	6/10/72	7 (1) (c)	X	—	—	—

APPENDIX 10-C

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page		Date of Landing	Project	Status as of 1/7/75
14/ 3/73	Refused	25/ 7/74	Quashed*	54	9798	10/ 1/75	80E	L.I.
5/ 2/73	Refused	14/ 3/74	Quashed*	24	4062	29/ 7/74	80E	L.I.
4/ 5/73	Refused	5/ 4/74	Quashed*	42	7744	29/10/74	80E	L.I.
27/ 3/73	Refused	20/ 1/75	Quashed*	43	8070	—	—	N.L.
18/12/72	Refused	22/ 1/74	Quashed*	(1)		28/ 5/74	80E	L.I.
11/10/72	Refused	28/ 1/74	Quashed*	30	5535	22/ 4/74	80E	L.I.
16/ 2/73	Refused	18/ 3/74	Quashed*	11	1944	2/12/74	80E	L.I.
25/ 5/73	Refused	1/ 5/74	Quashed*	23	3808	7/ 8/74	80E	L.I.
10/10/72	Refused	(7)	(7)	(4)		(9)	—	—
28/11/72	Refused	3/ 4/74	Quashed*	12	2103	10/ 9/74	80E	L.I.
12/12/72	Refused	18/ 2/74	Quashed*	30	5508	14/ 5/74	80E	L.I.
1/12/72	Refused	14/ 3/74	Quashed*	31	5735	19/ 7/74	80E	L.I.
—	—	—	—	81	14391	17/ 7/74	80E	L.I.
—	—	—	—	(4)		(13)	—	—
30/ 3/73	Refused	3/ 4/74	Quashed*	67	12400	4/ 4/74	80E	L.I.
8/12/72	Refused	14/ 1/74	Quashed*	31	5546	29/ 4/75	—	L.I.
8/12/72	Refused	30/ 4/74	Quashed*	30	5521	30/ 4/74	80E	L.I.
12/12/72	Refused	19/ 2/74	Quashed*	12	2073	26/ 4/74	80E	L.I.
19/ 1/73	Refused	(2)	(2)	(3)		14/11/74	80E	L.I.
30/ 1/73	Refused	27/ 2/74	Quashed*	39	7419	13/ 6/74	80E	L.I.
30/11/72	Accepted	(16)	—	(4)		(16)	—	—
11/12/72	Refused	27/ 2/74	Quashed*	27	5008	14/ 6/74	80E	L.I.
22/ 1/73	Refused	14/ 3/74	Quashed*	32	5822	8/11/74	80E	L.I.
6/12/72	Refused	13/ 2/74	Quashed*	29	5190	28/ 6/74	80E	L.I.
14/12/72	Refused	8/ 2/74	Quashed*	20	3449	24/ 4/74	—	L.I.
(2)	—	(2)	—	31	5609	23/10/74	80E	L.I.
5/12/72	Refused	7/ 2/74	Quashed*	67	12413	6/ 2/74	80E	L.I.
5/12/72	Refused	(7)	—	(4)		(7)	—	—
(9)	—	—	—	(4)		(9)	—	—
12/ 1/73	Refused	(2)	—	11	1868	—	—	N.L.
12/ 1/73	Refused	29/ 1/74	Quashed*	11	1960	10/ 6/74	80E	L.I.
15/12/72	Refused	(7)	—	(4)		(7)	—	—
12/ 1/73	Refused	(2)	—	40	7458	9/ 5/74	80E	L.I.
15/12/72	Refused	17/ 1/74	Quashed*	10	1843	25/ 4/74	80E	L.I.
13/12/72	Refused	12/ 3/74	Quashed*	68	12443	21/ 3/74	80E	L.I.
12/12/72	Refused	25/ 3/74	Deport	(4)		(7)	—	—
(9)	—	—	—	(4)		(9)	(13)	—
14/12/72	Refused	21/ 1/74	Quashed*	40	7579	25/ 4/74	80E	L.I.
14/12/72	Refused	12/ 2/74	Quashed*	40	7439	7/ 6/74	80E	L.I.
13/12/72	Refused	(7)	—	(4)		(7)	—	—
11/12/72	Refused	4/ 2/74	Quashed*	10	1801	30/ 5/74	80E	L.I.
11/ 1/73	Refused	22/ 1/74	Quashed*	41	7683	29/ 4/74	80E	L.I.
5/12/72	Refused	(9)	—	(4)		(9)	—	—
13/12/72	Adjourned	(9)	—	(4)		(9)	—	—
(14)	—	—	—	(4)		(9)	—	—
14/12/72	Refused	6/ 2/74	Quashed*	12	1978	10/ 7/74	80E	L.I.
—	—	—	—	(4)		(9)	—	—
15/12/72	Refused	9/ 1/74	Quashed*	10	1772	18/ 6/74	80E	L.I.
14/ 2/73	Refused	30/ 1/74	Quashed*	10	1822	30/ 4/74	80E	L.I.
14/12/72	Refused	24/ 1/74	Quashed*	11	1888	9/ 5/74	80E	L.I.
5/12/72	Refused	29/ 1/74	Quashed*	12	1999	11/ 7/74	80E	L.I.
(9)	—	—	—	(4)		(9)	—	—
5/ 6/73	Refused	12/ 6/74	Quashed*	25	4356	11/12/74	80E	L.I.

General Chart Relating to the Files Investigated by the Commission

268 files referred to as the "third group"—*contd.*

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date Notice of Intent	Assessment Date	Assessment Decision
5-36273	Haiti	7/10/72	7 (I) (c)	X	(15)	—	—
5-36322	India	9/11/72	7 (I) (c)	—	(2)	—	—
5-36323	India	15/10/72	7 (I) (c)	X	—	(9)	—
5-36354 (1)	India	6/10/72	7 (I) (c)	X	—	—	—
5-36383 (1)	India	20/10/72	7 (I) (c)	—	(2)	—	—
5-36399	Greece	1/11/72	7 (I) (c)	X	—	—	—
5-36401	India	1/11/72	7 (I) (c)	X	—	—	—
5-36402	Greece	1/11/72	7 (I) (c)	X	—	—	—
5-36411	Haiti	4/11/72	7 (I) (c)	X	—	—	—
5-36428	India	3/11/72	7 (I) (c)	X	—	—	—
5-36432	St. Lucia	4/11/72	7 (I) (c)	X	—	—	—
5-36436	India	6/11/72	7 (I) (h)	X	—	—	—
5-36446	India	22/10/72	7 (I) (c)	—	(2)	—	—
5-36490	Haiti	7/10/72	7 (I) (c)	X	—	—	—
5-36500	India	12/11/72	7 (I) (c)	X	—	—	—
5-36676 (1)	Haiti	3/12/72	7 (I) (c)	X	—	—	—
5-36677	Haiti	24/11/72	7 (I) (c)	X	—	—	—
5-38005	Haiti	28/10/72	7 (I) (c)	X	—	—	—
5-38008	S. Africa	29/10/72	7 (I) (c)	—	30/10/72	5/ 1/73	Accepted
5-38024	Haiti	29/10/72	7 (I) (c)	—	22/11/72	—	—
5-38079	Haiti	4/11/72	7 (I) (c)	—	22/11/72	(8)	—
5-38085	India	26/10/72	7 (I) (c)	—	24/11/72	—	—
5-38166	Haiti	29/10/72	7 (I) (c)	—	28/11/72	—	—
5-38262	Haiti	21/ 9/72	7 (I) (c)	—	1/ 8/73	—	—
5-38297	Haiti	27/ 9/72	7 (I) (c)	X	—	—	—
5-38313	Haiti	19/ 4/73	7 (I) (c)	X	—	—	—
5-38354	Haiti	3/11/72	7 (I) (c)	X	—	—	—
5-38362	India	17/11/72	7 (I) (c)	—	(2)	—	—
5-38402	Haiti	31/10/72	7 (I) (c)	—	11/ 2/73	—	—
5-38421	Haiti	18/11/72	7 (I) (c)	X	—	—	—
5-38473	Haiti	10/11/82	7 (I) (c)	X	—	—	—
5-38563	India	26/10/72	7 (I) (c)	—	14/11/72	—	—
5-38567	Portugal	10/11/72	7 (I) (c)	—	12/12/72	—	—
5-38626	Portugal	10/11/72	7 (I) (c)	—	12/12/72	—	—
5-38641 (1)	Haiti	1/12/72	7 (I) (c)	X	—	—	—
5-38703	Haiti	25/10/72	7 (I) (c)	X	—	—	—
5-38747	Haiti	31/10/72	7 (I) (c)	—	27/ 2/73	—	—
5-38791	Haiti	31/10/72	7 (I) (c)	X	17/ 1/73	—	—
5-38801	Haiti	21/11/72	7 (I) (c)	X	—	—	—
5-38811	Haiti	17/11/72	7 (I) (c)	X	—	—	—
5-38840	Haiti	11/11/72	7 (I) (c)	X	—	—	—
5-38856	Colombia	26/ 9/72	7 (I) (c)	—	5/ 7/73	(8)	—
5-38885	Haiti	4/11/72	7 (I) (c)	X	—	—	—
5-38897	Haiti	3/11/72	7 (I) (c)	X	—	—	—
5-38913	India	23/ 9/72	7 (I) (c)	X	—	—	—
5-38914	Haiti	19/11/72	7 (I) (c)	X	—	—	—
5-38921	Haiti	17/11/72	7 (I) (c)	X	—	—	—
5-38929	Haiti	26/11/72	7 (I) (c)	—	—	—	—
5-38974	Haiti	4/11/73	7 (I) (c)	X	—	—	—
5-38990	India	28/10/72	7 (I) (c)	—	3/ 1/73	—	—
5-39038	Haiti	12/11/72	7 (I) (c)	X	—	—	—
5-39071	Haiti	4/11/72	7 (I) (c)	—	11/ 1/73	—	—
5-39097	Haiti	18/11/72	7 (I) (c)	X	4/ 1/73	16/ 2/73	Accepted

APPENDIX 10-C

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page	Date of Landing	Project	Status of 1/7/75
—	—	—	—	42 7775	20/ 1/74	—	L.I.
—	—	—	—	(4)	(13)	—	—
—	—	—	—	(4)	(9)	—	—
9/ 1/73	Refused	1/ 4/74	Quashed*	(1)	16/ 8/74	80E	L.I.
—	—	—	—	(1)	(2)	—	—
30/11/72	Refused	(7)	—	(4)	(7)	—	—
15/12/72	Refused	5/ 2/74	Quashed*	40 7486	18/ 6/74	80E	L.I.
30/11/72	Refused	(7)	—	(4)	(7)	—	—
15/12/72	Refused	(10)	—	(4)	(10)	—	—
(9)	—	—	—	(4)	(9)	—	—
15/12/72	Refused	6/ 2/74	Quashed*	53 9701	4/ 6/74	80E	L.I.
23/11/72	Refused	24/ 1/74	Quashed*	25 4311	24/ 4/74	80E	L.I.
(2)	(2)	(2)	(2)	81 14415	21/ 3/75	80E	L.I.
6/ 3/73	Refused	1/ 3/74	Quashed*	22 3680	15/ 5/74	80E	L.I.
19/12/72	Refused	22/ 2/74	Quashed*	21 3568	17/ 5/74	80E	L.I.
24/ 1/73	Refused	11/ 4/74	Deport	(4)	(9)	—	—
26/ 1/73	Refused	19/ 2/74	Quashed*	17 2940	8/ 7/74	80E	L.I.
28/ 3/73	Refused	3/ 4/74	Quashed*	27 4907	28/ 6/74	80E	L.I.
—	—	—	—	53 9738	21/ 6/73	80	L.I.
29/ 3/73	Refused	13/ 5/74	Quashed*	37 7188	10/ 9/74	80E	L.I.
—	—	—	—	42 7797	18/ 2/74	97	L.I.
22/ 6/73	Refused	29/ 5/74	Quashed*	89 16117	20/ 8/74	80E	L.I.
8/ 5/73	Refused	(8)	—	18 3129	5/11/74	97	L.I.
7/ 6/73	Accepted	—	—	43 8124	1/11/73	97	L.I.
13/ 3/73	Refused	11/ 7/74	Quashed*	53 9759	30/ 8/74	80E	L.I.
15/ 6/73	Refused	10/ 7/74	Quashed*	18 3151	10/12/74	80E	L.I.
20/12/72	Refused	14/ 2/74	Quashed*	32 5928	19/ 7/74	80E	L.I.
—	—	—	—	(3)	(2)	—	—
8/ 3/73	Refused	4/ 3/74	Quashed*	54 9820	9/ 7/74	80E	L.I.
5/ 1/73	Refused	14/ 2/74	Quashed*	42 7851	28/ 6/74	80E	L.I.
15/ 2/73	Refused	19/ 4/74	Quashed*	39 7356	5/ 8/74	80E	L.I.
24/ 4/73	Refused	(2)	—	58 10579	28/10/74	80E	L.I.
28/ 2/73	Refused	9/ 4/74	Quashed*	53 9726	5/ 9/74	80E	L.I.
29/ 3/73	Refused	21/ 3/74	Quashed*	53 9710	24/ 7/74	80E	L.I.
16/ 1/73	Refused	28/ 3/74	Deport	(4)	(10)	—	—
22/ 3/73	Refused	7/ 5/74	Quashed*	38 7304	29/10/74	80E	L.I.
18/ 5/73	Refused	11/ 7/74	Quashed*	32 5943	22/10/74	80E	L.I.
6/ 3/73	Refused	(2)	—	39 7403	3/ 3/75	80E	L.I.
30/ 1/73	Refused	7/ 3/74	Quashed*	17 3059	—	—	N.L.
19/ 3/73	Refused	6/ 3/74	Quashed*	32 5871	19/ 9/74	80E	L.I.
16/ 2/73	Refused	7/ 2/74	Quashed*	22 3702	17/ 5/74	80E	L.I.
—	—	—	—	53 9676	11/ 8/74	97	L.I.
13/11/73	Refused	8/ 4/74	Quashed*	22 3656	21/ 8/74	80E	L.I.
23/ 1/73	Refused	6/ 3/74	Quashed*	22 3637	18/ 7/74	80E	L.I.
18/10/72	Refused	31/12/73	Quashed*	20 3525	22/ 3/74	80E	L.I.
13/ 3/73	Refused	25/ 4/74	Quashed*	32 6027	5/ 8/74	80E	L.I.
2/ 2/73	Refused	6/ 3/74	Quashed*	(3)	13/ 8/74	80E	L.I.
30/ 1/73	Refused	30/ 1/73	Quashed*	88 16020	30/ 8/74	80E	L.I.
26/ 1/73	Refused	27/ 2/74	Quashed*	38 7254	2/ 7/74	80E	L.I.
(9)	—	—	—	(4)	(9)	—	—
30/ 8/73	Refused	6/ 5/74	Quashed*	66 12257	20/11/74	80E	L.I.
26/ 2/73	Refused	26/ 3/74	Quashed*	34 6260	21/ 3/75	80E	L.I.
—	—	—	—	(3)	6/ 8/73	—	L.I.

General Chart Relating to the Files Investigated by the Commission

268 files referred to as the "third group"—*contd.*

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date Notice of Intent	Assessment Date	Assessment Decision
5-39183	Uganda	9/11/72	7 (1) (h)	—	15/11/72	(2)	—
5-39249	Haiti	31/10/72	7 (1) (c)	X	—	—	—
5-39295	Haiti	5/11/72	7 (1) (c)	X	—	—	—
5-39510	India	26/10/72	7 (1) (c)	—	2/11/72	16/ 1/73	Accepted
5-39527	India	4/ 9/72	7 (1) (c)	X	—	—	—
5-39565	Haiti	19/11/72	7 (1) (c)	X	—	—	—
5-39574	India	22/ 9/72	7 (1) (c)	—	(2)	—	—
5-39902	Haiti	17/11/72	7 (1) (c)	X	—	—	—
5-40095 (1)	Haiti	4/11/72	7 (1) (c)	—	2/ 2/73	—	—
5-40114	Haiti	4/11/72	7 (1) (c)	X	—	—	—
5-40331 (1)	Haiti	27/ 1/73	7 (1) (c)	X	—	—	—
5-40785	Haiti	31/10/72	7 (1) (c)	—	27/ 2/73	12/ 2/74	Accepted
5-40795 (1)	Haiti	27/ 1/73	7 (1) (c)	—	21/ 3/73	(2)	—
5-40854	Haiti	7/11/72	7 (1) (c)	X	(8)	—	—
5-41175 (1)	India	25/ 8/72	7 (1) (c)	—	29/ 8/72	26/10/72	Accepted
5-41679	Trinidad	6/12/71	7 (1) (c)	—	(2)	—	—
5-41880	Haiti	17/11/72	7 (1) (c)	X	—	—	—
5-41881	India	23/ 9/72	7 (1) (c)	X	—	—	—
5-42110 (1)	Haiti	27/ 3/73	7 (1) (c)	X	—	—	—
5-42148	India	29/ 9/72	7 (1) (c)	X	—	—	—
5-42243	India	29/ 9/72	7 (1) (c)	X	—	—	—
5-42484	Haiti	12/11/72	7 (1) (c)	X	—	—	—
5-42533	Hungary	(12)	—	—	—	—	—
5-42536	India	23/ 9/72	7 (1) (c)	X	—	—	—
5-42579	India	29/ 9/72	7 (1) (c)	X	—	—	—
5-42583	India	29/ 9/72	7 (1) (c)	X	—	—	—
5-42621	India	12/ 8/72	7 (1) (c)	—	(2)	—	—
5-42662	India	25/ 9/72	7 (1) (c)	X	—	—	—
5-42724	India	29/ 9/72	7 (1) (c)	X	—	—	—
5-42735	India	6/10/72	7 (1) (c)	X	—	—	—
5-42769	India	24/ 9/72	7 (1) (c)	X	—	—	—
5-42810	India	24/ 9/72	7 (1) (c)	X	—	—	—
5-42869	India	29/ 9/72	7 (1) (c)	X	—	—	—
5-42896 (1)	India	20/ 9/72	7 (1) (c)	X	—	—	—
5-42917	India	7/11/72	7 (1) (c)	X	—	—	—
5-43015	India	20/ 9/72	7 (1) (c)	X	—	—	—
5-43375	India	20/ 9/72	7 (1) (c)	X	—	—	—
5-45856 (1)	Haiti	10/ 8/73	7 (1) (c)	—	13/ 8/73	—	—
5-46250 (1)	India	8/ 5/73	7 (1) (c)	X	—	—	—
5-48374 (1)	India	27/10/72	7 (1) (c)	—	(2)	—	—
5-49409 (1)	India	30/10/72	None	—	(2)	—	—
5-52750	Zambia	(12)	—	—	—	—	—
A-409159	Uganda	5/10/72	L.I	—	—	—	—
5-2867	India	14/ 8/70	7 (1) (c)	—	20/ 8/70	20/ 1/71	Refused
5-5281	Haiti	10/ 8/70	7 (1) (c)	—	15/10/70	2/12/70	Refused
5-10536 (1)	Greece	13/ 3/71	7 (1) (c)	—	29/ 3/71	21/ 4/71	Refused
5-17133	India	5/ 4/67	L.I.	—	—	—	—
5-18636	Haiti	10/ 9/71	7 (1) (c)	—	25/10/71	30/11/71	Refused

APPENDIX 10-C

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page	Date of Landing	Project	Status of 1/7/75
—	—	—	—	(3)	8/ 5/73	—	L.I.
19/ 3/73	Refused	22/ 2/74	Quashed*	25 4280	17/ 7/74	80E	L.I.
6/ 2/73	Refused	13/ 2/74	Quashed*	17 3039	15/ 7/74	80E	L.I.
—	—	—	—	(3)	15/ 8/73	80	L.I.
4/11/72	Refused	25/ 1/74	Quashed*	40 7604	22/ 5/74	80E	L.I.
27/ 2/73	Refused	4/ 3/74	Quashed*	18 3120	2/ 7/74	80E	L.I.
(2)	—	—	—	84 15100	7/12/73	—	L.I.
26/ 2/73	Refused	4/ 7/74	Quashed*	42 7758	7/11/74	80E	L.I.
27/ 3/73	Refused	22/ 4/74	Quashed*	(1)	1/ 8/74	80E	L.I.
9/ 3/73	Refused	25/ 3/74	Quashed*	72 12940	22/ 7/74	80E	L.I.
15/ 3/73	Refused	(2)	(2)	(1)	—	—	N.L.
—	—	—	—	32 5954	8/ 3/74	—	L.I.
—	—	—	—	(1)	5/ 2/75	—	L.I.
—	—	—	—	42 7715	9/10/73	80	L.I.
—	—	—	—	(1)	17/ 7/73	—	L.I.
6/ 6/73	Refused	9/ 4/74	Quashed*	{31 5636}	—	—	N.L.
31/ 5/73	Refused	4/ 4/74	Quashed*	{42 7835}	—	—	N.L.
3/11/72	Refused	14/ 1/74	Quashed*	24 4018	16/ 9/74	80E	L.I.
25/ 4/73	Refused	(15)	—	31 5723	14/ 1/74	—	L.I.
29/11/72	Refused	28/ 1/74	Quashed*	(1)	—	—	N.L.
29/11/72	Refused	17/ 1/74	Quashed*	30 5439	15/ 5/74	80E	L.I.
2/ 5/73	Refused	14/ 3/74	Quashed*	20 3433	26/ 4/74	80E	L.I.
—	—	—	—	38 7277	12/ 5/74	80E	L.I.
11/12/72	Refused	18/ 2/74	Quashed*	(4)	(12)	—	—
22/11/72	Refused	30/ 1/74	Quashed*	20 3417	5/ 6/74	80E	L.I.
21/11/72	Refused	6/ 2/74	Quashed*	12 2040	16/ 5/74	80E	L.I.
4/ 4/73	Refused	6/ 6/74	Quashed*	40 7537	29/ 5/74	80E	L.I.
9/11/72	Refused	18/ 2/74	Quashed*	19 3353	3/10/74	80E	L.I.
15/12/72	Refused	14/ 1/74	Quashed*	19 3399	1/ 5/74	—	L.I.
23/11/72	Refused	28/ 1/74	Quashed*	40 7559	6/ 4/74	—	L.I.
7/11/72	Refused	15/ 1/74	Quashed*	30 5481	19/11/74	—	L.I.
7/11/72	Refused	21/ 1/74	Quashed*	30 5494	2/ 5/74	80E	L.I.
5/12/72	Refused	18/ 1/74	Quashed*	19 3380	25/ 4/74	80E	L.I.
20/10/72	Refused	12/ 2/74	Quashed*	31 5570	23/ 4/74	80E	L.I.
14/11/72	Refused	30/ 3/73	Quashed*	(1)	13/ 5/74	80E	L.I.
3/10/72	Refused	6/ 2/74	Quashed*	(3)	16/10/73	97	L.I.
13/10/72	Refused	21/ 1/74	Quashed*	12 2053	13/ 6/74	80E	L.I.
13/ 8/73	Refused	(2)	—	20 3498	29/ 7/74	80E	L.I.
11/ 5/73	Refused	14/11/74	Deport	(1)	—	—	N.L.
—	—	—	—	(1)	—	—	N.L.
—	—	—	—	(1)	13/11/74	97	L.I.
—	—	—	—	(1)	—	—	N.L.
—	—	—	—	(4)	(12)	—	—
24/ 8/74	Refused	21/ 1/74	Quashed*	32 5754	5/10/72	—	L.I.
22/12/71	Accepted	—	—	61 11044	8/ 5/74	—	L.I.
28/ 2/72	Refused	(2)	—	18 3091	22/12/71	—	L.I.
—	—	—	—	(1)	5/12/74	80E	L.I.
(15)	—	—	—	{30 5338}	5/ 4/67	—	L.I.
				{85 15261}			
				18 3099	12/ 7/72	—	L.I.

General Chart Relating to the Files Investigated by the Commission
268 files referred to as the “third group”—*contd.*

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date Notice of Intent	Assessment Date	Assessment Decision
5-33981	Haiti	15/10/72	7 (1) (c)	—	17/10/72	13/12/72	Refused
5-36110	India	29/ 9/72	7 (1) (c)	X	—	—	—
5-36233	India	28/10/72	7 (1) (c)	X	10/11/72	(14)	—
5-41951	India	25/ 2/73	7 (1) (c)	X	—	—	—
5-42535 (1)	India	30/ 9/72	7 (1) (c)	X	—	—	—

†Report Section 22 means a report made by an immigration officer under Section 22 of the *Immigration Act*.

*Quashed means the appeal was dismissed but the deportation order was quashed and landing granted, usually under a special program.

- | | |
|--|--|
| (1) File eliminated as not relevant. | (12) Never entered Canada; application made from country of origin. |
| (2) Information not available. | (13) Application withdrawn before leaving Canada. |
| (3) Could not be located at time of hearing. | (14) Entered Canada temporarily and left after institution of proceedings. |
| (4) Out of Canada at time of hearing. | (15) Sponsored by landed-immigrant spouse. |
| (5) Did not respond to subpoena. | (16) Visitor who left after visit to Canada. |
| (6) Not a relevant witness. | N.L. Not landed. |
| (7) Left Canada before appeal was heard. | L.I. Landed immigrant status granted. |
| (8) Not applicable—admitted under a special project. | (7 (1) (c) Visitor. |
| (9) Left Canada voluntarily. | 7 (1) (e) Clergyman. |
| (10) Deported. | 7 (1) (f) Student. |
| (11) In Canada under Minister's permit. | 7 (1) (h) Businessman—temporary work permit. |

APPENDIX 10-C

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page		Date of Landing	Project	1/7/75
7/ 5/73	Refused	8/ 4/74	Quashed*	19	3201	22/ 8/74	80E	L.I.
21/12/72	Refused	13/ 2/74	Quashed*	31	5594	30/ 4/74	80E	L.I.
—	—	—	—	(4)		(14)	—	—
27/ 2/73	Refused	?/10/74	Deport	43	8053	(10)	—	—
15/11/72	Refused	7/ 1/74	Quashed*	31	5585	30/ 4/74	80E	L.I.

Chart Relating to the Parmar Group

23 files referred to in paragraph (b) of the Order in Council

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date Notice of Intent	Assessment Date	Assessment Decision
5-36218	India	28/10/72	7 (1) (c)	X	—	—	—
5-36221	India	28/10/72	7 (1) (c)	X	—	—	—
5-36222	India	28/10/72	7 (1) (c)	X	—	—	—
5-36223	India	28/10/72	7 (1) (c)	X	—	—	—
5-36224	India	28/10/72	7 (1) (c)	X	—	—	—
5-36225	India	28/10/72	7 (1) (c)	X	—	—	—
5-36226	India	28/10/72	7 (1) (c)	X	—	—	—
5-36227	India	28/10/72	7 (1) (c)	X	—	—	—
5-36228	India	28/10/72	7 (1) (c)	X	—	—	—
5-36229	India	28/10/72	7 (1) (c)	X	—	—	—
5-36230	India	28/10/72	7 (1) (c)	X	—	—	—
5-36231	India	28/10/72	7 (1) (c)	X	—	—	—
5-36232	India	28/10/72	7 (1) (c)	X	—	—	—
5-36233	India	28/10/72	7 (1) (c)	X	10/11/72	(14)	—
5-36234	India	28/10/72	7 (1) (c)	X	—	—	—
5-36235	India	28/10/72	7 (1) (c)	X	—	—	—
5-36236	India	28/10/72	7 (1) (c)	X	—	—	—
5-36237	India	28/10/72	7 (1) (c)	X	—	—	—
5-36238	India	28/10/72	7 (1) (c)	—	(9)	—	—
5-36239	India	28/10/72	7 (1) (c)	X	—	—	—
5-36240	India	28/10/72	7 (1) (c)	X	—	—	—
5-36241	India	28/10/72	7 (1) (c)	X	—	—	—
5-36242	India	28/10/72	7 (1) (c)	X	—	—	—

†Report Section 22 means a report made by an immigration officer under Section 22 of the *Immigration Act*.

*Quashed means the appeal was dismissed but the deportation order was quashed and landing granted, usually under a special program.

- | | |
|--|--|
| (1) File eliminated as not relevant. | (12) Never entered Canada; application made from country of origin. |
| (2) Information not available. | (13) Application withdrawn before leaving Canada. |
| (3) Could not be located at time of hearing. | (14) Entered Canada temporarily and left after institution of proceedings. |
| (4) Out of Canada at time of hearing. | (15) Sponsored by landed-immigrant spouse. |
| (5) Did not respond to subpoena. | (16) Visitor who left after visit to Canada. |
| (6) Not a relevant witness. | N.L. Not landed. |
| (7) Left Canada before appeal was heard. | L.I. Landed immigrant status granted. |
| (8) Not applicable—admitted under a special project. | 7 (1) (c) Visitor. |
| (9) Left Canada voluntarily. | 7 (1) (e) Clergyman. |
| (10) Deported. | 7 (1) (f) Student. |
| (11) In Canada under Minister's permit. | 7 (1) (h) Businessman—temporary work permit. |

APPENDIX 11

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page	Date of Landing	Project	Status as of 1/7/75
12/ 1/73	Refused	(2)	—	11 1868	—	—	N.L.
12/ 1/73	Refused	29/ 1/74	Quashed*	11 1960	10/ 6/74	80E	L.I.
15/12/72	Refused	(7)	—	(4)	(7)	—	—
12/ 1/73	Refused	(2)	—	40 7458	9/ 5/74	80E	L.I.
15/12/72	Refused	17/ 1/74	Quashed*	10 1843	25/ 4/74	80E	L.I.
13/12/72	Refused	12/ 3/74	Quashed*	68 12443	21/ 3/74	80E	L.I.
12/12/72	Refused	25/ 3/74	Deport	(4)	(7)	—	—
(9)	—	—	—	(4)	(9)	—	(13)
14/12/72	Refused	21/ 1/74	Quashed*	40 7579	25/ 4/74	80E	L.I.
14/12/72	Refused	12/ 2/74	Quashed*	40 7439	7/ 6/74	80E	L.I.
13/12/72	Refused	(7)	—	(4)	(7)	—	—
11/12/72	Refused	4/ 2/74	Quashed*	10 1801	30/ 5/74	80E	L.I.
11/ 1/73	Refused	22/ 1/74	Quashed*	41 7683	29/ 4/74	80E	L.I.
—	—	—	—	(4)	(14)	—	—
5/12/72	Refused	(9)	—	(4)	(9)	—	—
13/12/72	Adjourned	(9)	—	(4)	(9)	—	—
(14)	—	—	—	(4)	(9)	—	—
14/12/72	Refused	6/ 2/74	Quashed*	12 1978	10/ 7/74	80E	L.I.
—	—	—	—	(4)	(9)	—	—
15/12/72	Refused	9/ 1/74	Quashed*	10 1772	18/ 6/74	80E	L.I.
14/ 2/73	Refused	30/ 1/74	Quashed*	10 1822	30/ 4/74	80E	L.I.
14/12/72	Refused	24/ 1/74	Quashed*	11 1888	9/ 5/74	80E	L.I.
5/12/72	Refused	29/ 1/74	Quashed*	12 1999	11/ 7/74	80E	L.I.

Chart Relating to the Yarmouth Group

8 files referred to in paragraphs (a), (b) and (e) of the Order in Council

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date Notice of Intent	Assessment Date	Assessment Decision
5-29744	India	10/ 8/72	7 (1) (c)	—	25/ 8/72	24/10/72	Refused
5-29757	India	10/ 8/72	7 (1) (c)	—	24/ 8/72	19/ 9/72	Accepted
5-33959	India	10/ 8/72	7 (1) (c)	—	24/ 8/72	27/11/72	Refused
5-19282	W. Pakistan	28/ 6/71	7 (1) (h)	—	9/11/71	16/11/71	Accepted
5-29735	India	10/ 8/72	7 (1) (c)	—	24/ 8/72	19/ 9/72	Refused
5-29751	India	10/ 8/72	7 (1) (c)	—	24/ 8/72	17/10/72	Refused
5-31663	India	10/ 8/72	7 (1) (c)	—	24/ 8/72	26/ 2/73	Accepted
5-41153	India	10/ 8/72	7 (1) (c)	—	25/ 8/72	27/ 9/72	Refused

†Report Section 22 means a report made by an immigration officer under Section 22 of the *Immigration Act*.

*Quashed means the appeal was dismissed but the deportation order was quashed and landing granted, usually under a special program.

- | | |
|--|--|
| (1) File eliminated as not relevant. | (12) Never entered Canada; application made from country of origin. |
| (2) Information not available. | (13) Application withdrawn before leaving Canada. |
| (3) Could not be located at time of hearing. | (14) Entered Canada temporarily and left after institution of proceedings. |
| (4) Out of Canada at time of hearing. | (15) Sponsored by landed-immigrant spouse. |
| (5) Did not respond to subpoena. | (16) Visitor who left after visit to Canada. |
| (6) Not a relevant witness. | N.L. Not landed. |
| (7) Left Canada before appeal was heard. | L.I. Landed immigrant status granted. |
| (8) Not applicable—admitted under a special project. | 7 (1) (c) Visitor. |
| (9) Left Canada voluntarily. | 7 (1) (e) Clergyman. |
| (10) Deported. | 7 (1) (f) Student. |
| (11) In Canada under Minister's permit. | 7 (1) (h) Businessman—temporary work permit. |

APPENDIX 12

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page	Date of Landing	Project	Status as at 1/7/75
2/ 5/73	Refused	12/ 3/74	Quashed*	33 6167	16/ 5/74	80E	L.I.
—	—	—	—	(3)	3/ 7/73	—	L.I.
(15)	—	—	—	84 15002	20/ 9/73	97	L.I.
—	—	—	—	86 15624	1/ 3/72	—	L.I.
6/ 4/73	Refused	11/ 4/73	Quashed*	84 14894	6/ 6/74	80E	L.I.
—	—	—	—	86 15713	—	—	—
13/ 4/73	Refused	4/ 4/74	Quashed*	84 15060	20/ 8/74	80E	L.I.
—	—	—	—	88 15846	28/ 8/73	—	L.I.
5/11/73	Accepted	—	—	88 15906	5/11/73	—	L.I.

Chart Relating to Certain Documents

65 files of all groups

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date Notice of Intent	Assessment Date	Assessment Decision
<i>False documents</i>							
5-26434	India	3/ 6/72	7 (I) (c)	—	20/ 6/72	17/ 7/72	Accepted
5-29170	India	6/ 8/72	7 (I) (c)	—	17/ 8/72	29/ 9/72	Refused
5-32648	India	13/ 8/72	7 (I) (c)	—	26/ 9/72	31/10/72	Accepted
5-32783	India	21/ 9/72	7 (I) (c)	—	25/ 9/72	30/10/72	Accepted
5-32868	India	20/ 9/72	7 (I) (c)	—	30/10/72	8/11/72	Accepted
5-44330	India	7/ 8/72	7 (I) (h)	—	26/ 9/73	(8)	—
5-65993	India	16/ 3/72	7 (I) (h)	—	23/10/72	29/11/72	Accepted
5-31852	India	14/ 9/72	7 (I) (c)	—	22/ 9/72	26/10/72	Refused
5-38085	India	26/10/72	7 (I) (c)	—	24/11/72	—	—
5-41679	Trinidad	6/12/71	7 (I) (c)	—	(2)	—	—
<i>Predated letters</i>							
5-2867	India	14/ 8/70	7 (I) (c)	—	20/ 8/70	20/ 1/71	Refused
5-35817	Granada	29/10/72	7 (I) (c)	X	—	—	—
5-35913	India	27/10/72	7 (I) (c)	—	(2)	—	—
5-38008	S. Africa	29/10/72	7 (I) (c)	—	30/10/72	5/ 1/73	Accepted
5-38563	India	26/10/72	7 (I) (c)	—	14/11/72	—	—
<i>Bank documents</i>							
5-30664	India	2/ 9/72	7 (I) (c)	—	8/ 9/72	10/10/72	Accepted
5-31901	India	13/ 9/72	7 (I) (c)	—	21/ 9/72	24/10/72	Accepted
5-32648	India	13/ 8/72	7 (I) (c)	—	26/ 9/72	31/10/72	Accepted
5-32868	India	20/ 9/72	7 (I) (c)	—	30/10/72	8/11/72	Accepted
5-32969	India	22/ 9/72	7 (I) (c)	—	3/11/72	14/11/72	Accepted
5-34282	India	13/10/72	7 (I) (c)	—	29/10/72	28/11/72	Accepted
5-27902	India	14/ 7/72	7 (I) (c)	—	25/ 7/72	5/ 7/73	Accepted
5-30199	India	26/ 8/72	7 (I) (c)	—	31/ 8/72	28/ 9/72	Refused
5-31852	India	14/ 9/72	7 (I) (c)	—	22/ 9/72	26/10/72	Refused
5-32760	India	17/ 9/72	7 (I) (c)	—	25/ 9/72	30/10/72	Accepted
<i>Antidated education and employment certificates</i>							
5-17246	India	28/ 8/71	7 (I) (c)	—	20/ 9/71	1/11/71	Accepted
5-21444	India	14/11/71	7 (I) (c)	—	7/ 1/72	21/ 2/72	Refused
5-29170	India	6/ 8/72	7 (I) (c)	—	17/ 8/72	29/ 9/72	Refused
5-30664	India	2/ 9/72	7 (I) (c)	—	8/ 9/72	10/10/72	Accepted
5-31181	India	31/ 8/72	7 (I) (c)	—	14/ 9/72	17/10/72	Accepted
5-31831	India	4/ 9/72	7 (I) (c)	—	21/ 9/72	8/ 3/73	Refused
5-31901	India	13/ 9/72	7 (I) (c)	—	21/ 9/72	24/10/72	Accepted
5-32639	India	19/ 9/72	7 (I) (c)	—	28/ 9/72	2/11/72	Accepted
5-32660	India	5/ 8/72	7 (I) (c)	—	27/ 9/72	12/12/72	Accepted
5-32924	India	25/ 9/72	7 (I) (c)	—	3/10/72	6/11/72	Accepted
5-32928	India	26/ 9/72	7 (I) (c)	—	2/10/72	8/11/72	Accepted
5-32968	India	26/ 9/72	7 (I) (c)	—	3/10/72	7/12/72	Refused
5-33140	India	28/ 9/72	7 (I) (c)	—	16/10/72	14/11/72	Accepted
5-33570	India	23/ 9/72	7 (I) (c)	—	11/10/72	21/11/72	Accepted
5-31852	India	14/ 9/72	7 (I) (c)	—	22/ 9/72	26/10/72	Refused

APPENDIX 13

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page		Date of Landing	Project	Status as of 1/7/75
—	—	—	—	23	3995	22/11/73	—	L.I.
7/11/72	Refused	2/ 4/74	Quashed*	33	6135	27/ 8/74	80E	L.I.
—	—	—	—	36	6901	22/ 8/73	—	L.I.
—	—	—	—	35	6539	(2)	—	—
—	—	—	—	8	1319	23/ 1/74	—	L.I.
—	—	—	—	72	12959	30/10/73	80	L.I.
—	—	—	—	35	6800	11/ 9/73	—	L.I.
(2)	—	—	—	39	14268	—	—	N.L.
22/ 6/73	Refused	29/ 5/74	Quashed*	89	16117	20/ 8/74	80E	L.I.
6/ 6/73	Refused	9/ 4/74	Quashed*	{31	5636}	—	—	N.L.
				{42	7835}			
24/ 8/74	Refused	21/ 1/74	Quashed*	61	11044	8/ 5/74	—	L.I.
27/ 3/73	Refused	20/ 1/75	Quashed*	43	8070	—	—	N.L.
16/ 2/73	Refused	18/ 3/74	Quashed*	11	1944	2/12/74	80E	L.I.
—	—	—	—	53	9738	21/ 6/73	80	L.I.
24/ 4/73	Refused	(2)	—	58	10579	28/10/74	80E	L.I.
—	—	—	—	36	6958	21/ 8/73	—	L.I.
—	—	—	—	36	6863	8/ 1/74	—	L.I.
—	—	—	—	36	6901	22/ 8/73	—	L.I.
—	—	—	—	8	1319	23/ 1/74	—	L.I.
—	—	—	—	76	13908	17/ 9/73	—	L.I.
—	—	—	—	33	6209	5/10/73	—	L.I.
—	—	—	—	34	6399	5/ 7/73	—	L.I.
24/11/72	Refused	21/ 1/74	Quashed*	67	12347	26/ 6/74	80E	L.I.
(2)	—	—	—	79	14268	—	—	N.L.
—	—	—	—	41	7627	14/ 8/73	80	L.I.
—	—	—	—	25	4225	9/ 5/72	—	L.I.
(8)	—	—	—	36	6977	19/ 7/73	80	L.I.
7/11/72	Refused	2/ 4/74	Quashed*	33	6135	27/ 8/74	80E	L.I.
—	—	—	—	36	6958	21/ 8/73	—	L.I.
—	—	—	—	36	6933	15/ 1/74	—	L.I.
17/ 4/73	Refused	17/ 4/73	Quashed*	28	5164	13/ 6/73	—	L.I.
—	—	—	—	36	6863	8/ 1/74	—	L.I.
—	—	—	—	28	5102	5/11/73	—	L.I.
—	—	—	—	27	4973	11/ 9/73	—	L.I.
—	—	—	—	27	4758	10/ 7/73	—	L.I.
—	—	—	—	26	4733	6/12/73	—	L.I.
31/ 5/73	Refused	28/ 3/74	Quashed*	26	4659	2/ 4/74	80E	L.I.
—	—	—	—	55	9953	13/ 7/73	—	L.I.
—	—	—	—	36	7042	18/ 6/73	—	L.I.
(2)	—	—	—	79	14268	—	—	N.L.

Chart Relating to Certain Documents

65 files of all groups—*contd.*

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date Notice of Intent	Assessment Date	Assessment Decision
<i>Convenience employment letters in Canada</i>							
5-7129	India	13/10/70	7 (1) (c)	—	24/11/70	31/11/71	Accepted
5-7557	India	22/11/70	7 (1) (c)	—	7/12/70	16/ 1/71	Accepted
5-29170	India	6/ 8/72	7 (1) (c)	—	17/ 8/72	29/ 9/72	Refused
5-31321	India	18/ 9/72	7 (1) (c)	—	18/ 9/72	20/10/72	Accepted
5-31831	India	4/ 9/72	7 (1) (c)	—	21/ 9/72	8/ 3/73	Refused
5-31901	India	13/ 9/72	7 (1) (c)	—	21/ 9/72	24/10/72	Accepted
5-32639	India	19/ 9/72	7 (1) (c)	—	28/ 9/72	2/11/72	Accepted
5-32648	India	13/ 8/72	7 (1) (c)	—	26/ 9/72	31/10/72	Accepted
5-32783	India	21/ 9/72	7 (1) (c)	—	25/ 9/72	30/10/72	Accepted
5-32969	India	22/ 9/72	7 (1) (c)	—	3/11/72	14/11/72	Accepted
5-33105	India	26/ 9/72	7 (1) (c)	—	5/10/72	6/11/72	Accepted
5-29129	India	9/ 8/72	7 (1) (c)	—	17/ 8/72	29/ 9/72	Refused
5-30214	India	26/ 8/72	7 (1) (c)	—	31/ 8/72	27/ 9/72	Refused
5-31863	India	18/ 9/72	7 (1) (c)	—	22/ 9/72	27/10/72	Accepted
5-32760	India	17/ 9/72	7 (1) (c)	—	25/ 9/72	30/10/72	Accepted
5-33349	Haiti	16/ 9/72	7 (1) (c)	—	6/10/72	16/11/72	Refused
5-38085	India	26/10/72	7 (1) (c)	—	24/11/72	—	—
5-31321	India	18/ 9/72	7 (1) (c)	—	18/ 9/72	20/10/72	Accepted
5-32639	India	19/ 9/72	7 (1) (c)	—	28/ 9/72	2/11/72	Accepted
5-30214	India	26/ 8/72	7 (1) (c)	—	31/ 8/72	27/ 9/72	Refused
<i>Convenience leases</i>							
5-32663	India	22/ 9/72	7 (1) (c)	—	26/ 9/72	30/10/72	Accepted
5-32757	India	27/ 9/72	7 (1) (h)	—	2/10/72	11/ 1/73	Accepted
5-32758	India	27/ 9/72	7 (1) (c)	—	28/ 9/72	2/11/72	Accepted
5-33093	India	27/ 9/72	7 (1) (c)	—	5/10/72	10/11/72	Accepted
5-31024	India	7/ 9/72	7 (1) (c)	—	11/ 9/72	21/10/72	Accepted

†Report Section 22 means a report made by an immigration officer under Section 22 of the *Immigration Act*.

*Quashed means the appeal was dismissed but the deportation order was quashed and landing granted, usually under a special program.

- | | |
|--|--|
| (1) File eliminated as not relevant. | (12) Never entered Canada; application made from country of origin. |
| (2) Information not available. | (13) Application withdrawn before leaving Canada. |
| (3) Could not be located at time of hearing. | (14) Entered Canada temporarily and left after institution of proceedings. |
| (4) Out of Canada at time of hearing. | (15) Sponsored by landed-immigrant spouse. |
| (5) Did not respond to subpoena. | (16) Visitor who left after visit to Canada. |
| (6) Not a relevant witness. | N.L. Not landed. |
| (7) Left Canada before appeal was heard. | L.I. Landed immigrant status granted. |
| (8) Not applicable—admitted under a special project. | 7 (1) (c) Visitor. |
| (9) Left Canada voluntarily. | 7 (1) (e) Clergyman. |
| (10) Deported. | 7 (1) (f) Student. |
| (11) In Canada under Minister's permit. | 7 (1) (h) Businessman—temporary work permit. |

APPENDIX 13

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page		Date of Landing	Project	Status as of 1/7/75
—	—	—	—	36	7014	4/ 6/71	—	L.I.
—	—	—	—	23	3910	11/ 6/71	—	L.I.
7/11/72	Refused	2/ 4/74	Quashed*	33	6135	27/ 8/74	80E	L.I.
—	—	—	—	33	6101	15/10/73	—	L.I.
17/ 4/73	Refused	17/ 4/73	Quashed*	28	5164	13/ 6/73	—	L.I.
—	—	—	—	36	6863	8/ 1/74	—	L.I.
—	—	—	—	28	5102	5/11/73	—	L.I.
—	—	—	—	36	6901	22/ 8/73	—	L.I.
—	—	—	—	35	6539	(2)	—	—
—	—	—	—	76	13908	17/ 9/73	—	L.I.
—	—	—	—	57	10394	26/10/73	—	L.I.
2/ 4/73	Refused	18/ 3/74	Quashed*	57	10306	7/ 5/74	80E	L.I.
30/11/72	Refused	18/ 4/74	Quashed*	67	12367	9/ 8/74	80E	L.I.
—	—	—	—	67	12379	20/ 6/73	80	L.I.
—	—	—	—	41	7627	14/ 8/73	80	L.I.
30/ 3/73	Refused	17/ 4/74	Quashed*	27	4942	12/ 9/74	80E	L.I.
22/ 6/73	Refused	29/ 5/74	Quashed*	89	16117	20/ 8/74	80E	L.I.
—	—	—	—	33	6101	15/10/73	—	L.I.
—	—	—	—	28	5102	5/11/73	—	L.I.
30/11/72	Refused	18/ 4/74	Quashed*	67	12367	9/ 8/74	80E	L.I.
—	—	—	—	14	2367	11/10/74	—	L.I.
—	—	—	—	26	4467	16/ 8/73	—	L.I.
—	—	—	—	14	2439	21/12/73	—	L.I.
—	—	—	—	26	4373	4/12/73	—	L.I.
—	—	—	—	14	2498	5/ 7/73	80	L.I.

Chart Relating to Work Permits and Social Insurance Cards

25 files of all groups

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date Notice of Intent	Assessment Date	Assessment Decision
E3-80699	Guyana	14/ 9/69	7 (I) (f)	—	20/ 5/70	18/ 6/70	Refused
5-25756	Trinidad	6/ 9/70	7 (I) (c)	—	(2)	(2)	(2)
5-32745	Haiti	17/ 9/72	7 (I) (c)	—	2/10/72	7/11/72	Accepted
5-20388	Haiti	16/11/71	7 (I) (c)	X	—	—	—
5-20793	Haiti	16/11/71	7 (I) (c)	X	—	—	—
5-32648	India	13/ 8/72	7 (I) (c)	—	26/ 9/72	31/10/72	Accepted
5-32924	India	25/ 9/72	7 (I) (c)	—	3/10/72	6/11/72	Accepted
5-2867	India	14/ 8/70	7 (I) (c)	—	20/ 8/70	20/ 1/71	Refused
5-29127	India	6/ 8/72	7 (I) (c)	—	17/ 8/72	29/ 9/72	Refused
5-29741	Guyana	30/ 4/72	7 (I) (c)	—	28/ 8/72	28/ 9/72	Refused
5-34014	Haiti	9/10/72	7 (I) (c)	—	16/10/72	20/12/72	Refused
5-34718	Haiti	21/10/72	7 (I) (c)	—	26/10/72	22/11/72	Refused
5-36016	India	26/10/72	7 (I) (c)	X	—	—	—
5-32641	India	28/10/72	7 (I) (c)	X	—	—	—
5-36490	Haiti	7/10/72	7 (I) (c)	X	—	—	—
5-38024	Haiti	29/10/72	7 (I) (c)	—	22/11/72	—	—
5-38085	India	26/10/72	7 (I) (c)	—	24/11/72	—	—
5-38166	Haiti	29/10/72	7 (I) (c)	—	28/11/72	—	—
5-38563	India	26/10/72	7 (I) (c)	—	14/11/72	—	—
5-38856	Colombia	26/ 9/72	7 (I) (c)	—	5/ 7/73	(8)	—
5-38885	Haiti	4/11/72	7 (I) (c)	X	—	—	—
5-40854	Haiti	7/11/72	7 (I) (c)	X	(8)	—	—
5-41679	Trinidad	6/12/71	7 (I) (c)	—	(2)	—	—
5-42243	India	29/ 9/72	7 (I) (c)	X	—	—	—
HQ3-55129	Portugal	20/ 6/72	7 (I) (c)	—	(2)	—	—

†Report Section 22 means a report made by an immigration officer under Section 22 of the *Immigration Act*.

*Quashed means the appeal was dismissed but the deportation order was quashed and landing granted, usually under a special program.

- | | |
|--|--|
| (1) File eliminated as not relevant. | (12) Never entered Canada; application made from country of origin. |
| (2) Information not available. | (13) Application withdrawn before leaving Canada. |
| (3) Could not be located at time of hearing. | (14) Entered Canada temporarily and left after institution of proceedings. |
| (4) Out of Canada at time of hearing. | (15) Sponsored by landed-immigrant spouse. |
| (5) Did not respond to subpoena. | (16) Visitor who left after visit to Canada. |
| (6) Not a relevant witness. | N.L. Not landed. |
| (7) Left Canada before appeal was heard. | L.I. Landed immigrant status granted. |
| (8) Not applicable—admitted under a special project. | 7 (I) (c) Visitor. |
| (9) Left Canada voluntarily. | 7 (I) (e) Clergyman. |
| (10) Deported. | 7 (I) (f) Student. |
| (11) In Canada under Minister's permit. | 7 (I) (h) Businessman—temporary work permit. |

APPENDIX 14

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page		Date of Landing	Project	Status as of 1/7/75
(2)	(2)	—	—	37	7132	6/12/73	97	L.I.
30/ 8/72	Refused	7/ 1/74	Quashed*	{ 2 158	465}	2/ 5/74	80E	L.I.
—	—	—	—	61		—	—	N.L.
22/11/71	Refused	28/11/73	Quashed*	78	14133	11/ 4/74	80E	L.I.
—	—	—	—	87	15770	—	—	—
22/11/71	Refused	7/ 1/74	Quashed*	85	15327	1/ 5/74	80E	L.I.
—	—	—	—	36	6901	22/ 8/73	—	L.I.
—	—	—	—	27	4758	10/ 7/73	—	L.I.
24/ 8/74	Refused	21/ 1/74	Quashed*	61	11044	8/ 5/74	—	L.I.
15/11/72	Refused	21/ 1/74	Quashed*	30	5464	30/ 5/74	—	L.I.
27/ 3/73	Refused	2/ 5/74	Quashed*	34	6235	8/10/74	80	L.I.
(8)	—	—	—	77	13964	16/11/73	80	L.I.
(8)	—	—	—	88	16059	8/ 7/74	97	L.I.
12/12/72	Refused	18/ 2/74	Quashed*	30	5508	14/ 5/74	80E	L.I.
14/12/72	Refused	24/ 1/74	Quashed*	11	1888	9/ 5/74	80E	L.I.
6/ 3/73	Refused	1/ 3/74	Quashed*	22	3680	15/ 5/74	80E	L.I.
29/ 3/73	Refused	13/ 5/74	Quashed*	37	7188	10/ 9/74	80E	L.I.
22/ 6/73	Refused	29/ 5/74	Quashed*	89	16117	20/ 8/74	80E	L.I.
8/ 5/73	Refused	(8)	—	18	3129	5/11/74	97	L.I.
24/ 4/73	Refused	(2)	—	58	10579	28/10/74	80E	L.I.
—	—	—	—	53	9676	11/ 8/74	97	L.I.
13/11/73	Refused	8/ 4/74	Quashed*	22	3656	21/ 8/74	80E	L.I.
—	—	—	—	42	7715	9/10/73	80	L.I.
6/ 6/73	Refused	9/ 4/74	Quashed*	{31 5636	7835}	—	—	N.L.
29/11/72	Refused	17/ 1/74	Quashed*	{42 7835		26/ 4/74	80E	L.I.
(2)	—	(2)	—	86	15611	14/11/74	—	L.I.

Chart Relating to Businessmen

31 files referred to in paragraphs (a), (b) and (e) of the Order in Council

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date of Intent	Assessment Date	Assessment Decision
5-3294	India	18/ 4/70	7 (1) (h)	—	31/ 8/70	20/10/70	Accepted
5-25648	India	17/ 5/72	7 (1) (c)	—	29/ 5/72	16/ 6/72	Refused
5-26664	India	22/ 5/72	7 (1) (h)	—	23/ 6/72	25/ 7/72	Accepted
5-27902	India	14/ 7/72	7 (1) (c)	—	25/ 7/72	5/ 7/73	Accepted
5-32757	India	27/ 9/72	7 (1) (h)	—	2/10/72	11/ 1/73	Accepted
5-33093	India	27/ 9/72	7 (1) (c)	—	5/10/72	10/11/72	Accepted
5-33128	India	2/10/72	7 (1) (h)	—	10/10/72	16/11/72	Accepted
5-33571	India	6/10/72	7 (1) (c)	—	11/10/72	8/12/72	Accepted
5-35479	India	28/10/72	7 (1) (c)	—	30/10/72	1/12/72	Accepted
5-95409	India	16/ 8/72	7 (1) (c)	—	24/ 8/72	19/10/72	Refused
5-31024	India	7/ 9/72	7 (1) (c)	—	11/ 9/72	21/10/72	Accepted
5-32663	India	22/ 9/72	7 (1) (c)	—	26/ 9/72	30/10/72	Accepted
5-32758	India	27/ 9/72	7 (1) (c)	—	28/ 9/72	2/11/72	Accepted
ER3-68086	Trinidad	20/ 3/69	7 (1) (c)	—	(2)	—	—
5-10920	India	17/ 3/71	7 (1) (c)	X	—	—	—
5-25999	India	27/ 5/72	7 (1) (c)	—	6/ 6/72	31/ 7/72	Accepted
5-29766	India	11/ 8/72	7 (1) (c)	—	28/ 8/72	22/ 9/72	Accepted
5-29834	India	11/ 8/72	7 (1) (c)	—	28/ 8/72	27/10/72	Accepted
5-32783	India	21/ 9/72	7 (1) (c)	—	25/ 9/72	30/10/72	Accepted
5-36436	India	6/11/72	7 (1) (h)	X	—	—	—
5-25543	India	5/ 5/72	7 (1) (h)	—	25/ 5/72	15/ 6/72	Accepted
5-33086	India	22/ 9/72	7 (1) (c)	—	4/10/72	10/11/72	Accepted
5-8138	India	2/12/70	7 (1) (c)	—	22/12/70	9/ 2/71	Refused
5-19282	W. Pakistan	28/ 6/71	7 (1) (h)	—	9/11/71	16/11/71	Accepted
5-25487	India	14/ 4/72	7 (1) (c)	—	24/ 5/72	18/ 8/72	Accepted
5-25984	India	8/ 5/72	7 (1) (c)	—	5/ 6/72	27/ 6/72	Accepted
5-28495	India	31/ 7/72	7 (1) (c)	—	7/ 8/72	12/ 9/72	Accepted
5-34674	India	23/10/72	7 (1) (c)	—	25/10/72	28/11/72	Accepted
5-39183	Uganda	9/11/72	7 (1) (h)	—	15/11/72	(2)	—
5-31615	India	13/ 9/72	7 (1) (c)	—	20/ 9/72	20/10/72	Refused
5-32868	India	20/ 9/72	7 (1) (c)	—	30/10/72	8/11/72	Accepted

† Report Section 22 means a report made by an immigration officer under Section 22 of the *Immigration Act*.

* Quashed means the appeal was dismissed but the deportation order was quashed and landing granted, usually under a special program.

- | | |
|--|--|
| (1) File eliminated as not relevant. | (12) Never entered Canada; application made from country of origin. |
| (2) Information not available. | (13) Application withdrawn before leaving Canada. |
| (3) Could not be located at time of hearing. | (14) Entered Canada temporarily and left after institution of proceedings. |
| (4) Out of Canada at time of hearing. | (15) Sponsored by landed-immigrant spouse. |
| (5) Did not respond to subpoena. | (16) Visitor who left after visit to Canada. |
| (6) Not a relevant witness. | N.L. Not landed. |
| (7) Left Canada before appeal was heard. | L.I. Landed immigrant status granted. |
| (8) Not applicable—admitted under a special project. | 7 (1) (c) Visitor. |
| (9) Left Canada voluntarily. | 7 (1) (e) Clergyman. |
| (10) Deported. | 7 (1) (f) Student. |
| (11) In Canada under Minister's permit. | 7 (1) (h) Businessman—temporary work permit. |

APPENDIX 15

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page	Date of Landing	Project	Status as at 1/7/75
—	—	—	—	{42 7868}	23/ 4/71	—	L.I.
(8)	—	—	—	{56 9980}	20/ 9/73	80	L.I.
—	—	—	—	34 6289	3/ 8/73	—	L.I.
—	—	—	—	24 4103	5/ 7/73	—	L.I.
—	—	—	—	34 6399	16/ 8/73	—	L.I.
—	—	—	—	26 4467	4/12/73	—	L.I.
—	—	—	—	26 4373	29/ 8/73	—	L.I.
9/ 5/73	Refused	12/ 3/74	Quashed*	34 6489	13/ 6/74	80E	L.I.
8/ 5/73	Accepted	—	—	26 4585	4/10/73	—	L.I.
—	—	—	—	34 6447	8/ 5/73	—	L.I.
—	—	—	—	56 10153	5/ 7/73	80	L.I.
—	—	—	—	14 2498	11/10/74	—	L.I.
—	—	—	—	14 2367	21/12/73	—	L.I.
—	—	—	—	14 2439	27/ 2/70	—	L.I.
18/ 3/71	Refused	26/ 2/73	Deport	{ 9 1592}	(10)	—	—
—	—	—	—	{13 2124}	13/ 8/73	—	L.I.
—	—	—	—	13 2211	18/ 7/73	—	L.I.
—	—	—	—	{ 9 1669}	20/ 3/74	—	L.I.
—	—	—	—	{13 2181}	(2)	—	—
23/11/72	Refused	24/ 1/74	Quashed*	35 6539	24/ 4/74	80E	L.I.
—	—	—	—	25 4311	(9)	—	—
—	—	—	—	90 16167	9/10/73	—	L.I.
22/ 9/71	Accepted	—	—	23 3952	20/ 6/72	—	L.I.
—	—	—	—	23 3839	1/ 3/72	—	L.I.
—	—	—	—	86 15624	23/ 7/73	—	L.I.
—	—	—	—	28 5022	11/ 7/73	—	L.I.
—	—	—	—	15 2582	14/ 8/73	—	L.I.
—	—	—	—	15 2650	2/11/73	80	L.I.
—	—	—	—	19 3224	8/ 5/73	—	L.I.
22/ 3/73	Refused	1/ 4/74	Quashed*	(3)	23/ 7/74	80E	L.I.
—	—	—	—	{15 2547}	23/ 1/74	—	L.I.
—	—	—	—	{21 3550}	—	—	—
—	—	—	—	8 1319	—	—	—

Chart Relating to the Renfrew Group

14 files referred to in paragraphs (a) and (e) of the Order in Council

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date Notice of Intent	Assessment Date	Assessment Decision
5-30568	India	16/ 3/72	7 (1) (h)	—	7/ 9/72	15/11/72	Refused
5-30596	India	16/ 3/72	7 (1) (h)	—	7/ 9/72	3/11/72	Accepted
5-37615	India	15/ 3/72	7 (1) (h)	—	10/10/72	20/11/72	Accepted
5-44330	India	7/ 8/72	7 (1) (h)	—	26/ 9/73 (8)	—	—
5-44331	India	16/ 3/72	7 (1) (h)	—	23/10/72	20/11/72	Accepted
5-65992	India	16/ 3/72	7 (1) (h)	—	10/10/72	20/11/72	Accepted
5-65993	India	16/ 3/72	7 (1) (h)	—	23/10/72	29/11/72	Accepted
5-69000	India	19/ 2/73	7 (1) (c)	—	(11)	—	—
5-70356	India	7/ 8/72	7 (1) (h)	—	30/ 8/72	26/10/72	Refused
(2)	India	22/ 2/74	7 (1) (h)	—	(2)	—	—
(2)	India	22/10/73	7 (1) (h)	—	(2)	—	—
(2)	India	22/10/73	7 (1) (h)	—	(2)	—	—
(2)	India	18/ 2/74	7 (1) (h)	—	(2)	—	—
(2)	India	22/10/73	7 (1) (h)	—	(2)	—	—

†Report Section 22 means a report made by an immigration officer under Section 22 of the *Immigration Act*.

*Quashed means the appeal was dismissed but the deportation order was quashed and landing granted, usually under a special program.

- | | |
|--|--|
| (1) File eliminated as not relevant. | (12) Never entered Canada; application made from country of origin. |
| (2) Information not available. | (13) Application withdrawn before leaving Canada. |
| (3) Could not be located at time of hearing. | (14) Entered Canada temporarily and left after institution of proceedings. |
| (4) Out of Canada at time of hearing. | (15) Sponsored by landed-immigrant spouse. |
| (5) Did not respond to subpoena. | (16) Visitor who left after visit to Canada. |
| (6) Not a relevant witness. | N.L. Not landed. |
| (7) Left Canada before appeal was heard. | L.I. Landed immigrant status granted. |
| (8) Not applicable—admitted under a special project. | 7 (1) (c) Visitor. |
| (9) Left Canada voluntarily. | 7 (1) (e) Clergyman. |
| (10) Deported. | 7 (1) (f) Student. |
| (11) In Canada under Minister's permit. | 7 (1) (h) Businessman—temporary work permit. |

APPENDIX 16

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page	Date of Landing	Project	Status as of 1/7/75
(8)	—	—	—	27 4794	10/10/73	80	L.I.
—	—	—	—	27 4856	5/ 2/74	—	L.I.
—	—	—	—	35 6608	26/ 9/73	—	L.I.
—	—	—	—	72 12959	30/10/73	80	L.I.
—	—	—	—	35 6773	13/ 9/73	—	L.I.
—	—	—	—	35 6835	5/ 9/73	—	L.I.
—	—	—	—	35 6800	11/ 9/73	—	L.I.
—	—	—	—	80 14312	(11)	—	—
20/ 7/73	Refused	9/ 4/74	Quashed*	79 14212	15/ 8/74	80E	L.I.
—	—	—	—	64 11842	—	—	—
—	—	—	—	64 11879	—	—	—
—	—	—	—	79 14189	—	—	—
—	—	—	—	(4)	—	—	—
—	—	—	—	(3)	—	—	—
—	—	—	—	64 11776	—	—	—

Chart Relating to Unrelated Files

22 files referred to in paragraph (a) of the Order in Council

Department File Number	Country of Origin	Date of Entry	Status Claimed at Entry	Report Section 22†	Date Notice of Interest	Assessment Date	Assessment Decision
5-7129	India	13/10/70	7 (1) (c)	—	24/11/70	31/ 1/71	Accepted
5-7557	India	22/11/70	7 (1) (c)	—	7/12/70	16/ 1/71	Accepted
5-26434	India	3/ 6/72	7 (1) (c)	—	20/ 6/72	17/ 7/72	Accepted
5-27485	India	7/ 7/72	7 (1) (c)	—	12/ 7/72	10/ 8/72	—
5-28091	India	8/ 7/72	7 (1) (c)	—	10/ 8/72	7/ 9/72	Accepted
5-30368	India	15/ 8/72	7 (1) (c)	—	5/ 9/72	13/10/72	Accepted
5-30664	India	2/ 9/72	7 (1) (c)	—	8/ 9/72	10/10/72	Accepted
5-31440	India	3/ 9/72	7 (1) (c)	—	18/ 9/72	23/10/72	Accepted
5-31831	India	4/ 9/72	7 (1) (c)	—	21/ 9/72	8/ 3/73	Refused
5-31901	India	13/ 9/72	7 (1) (c)	—	21/ 9/72	24/10/72	Accepted
5-32648	India	13/ 8/72	7 (1) (c)	—	26/ 9/72	31/10/72	Accepted
5-32660	India	5/ 8/72	7 (1) (c)	—	27/ 9/72	12/12/72	Accepted
5-32928	India	26/ 9/72	7 (1) (c)	—	2/10/72	8/11/72	Accepted
5-32929	India	27/ 9/72	7 (1) (c)	—	4/10/72	9/11/72	Accepted
5-32934	India	18/ 9/72	7 (1) (c)	—	(2)	7/11/72	Accepted
5-32969	India	22/ 9/72	7 (1) (c)	—	3/11/72	14/11/72	Accepted
5-33030	India	22/ 9/72	7 (1) (c)	—	5/10/72	14/11/72	Accepted
5-33140	India	28/ 9/72	7 (1) (c)	—	16/10/72	14/11/72	Accepted
5-33211	India	30/ 9/72	7 (1) (c)	—	10/10/72	10/11/72	Accepted
5-33570	India	23/ 9/72	7 (1) (c)	—	11/10/72	21/11/72	Accepted
5-34282	India	13/10/72	7 (1) (c)	—	20/10/72	28/10/72	Accepted
5-35286	India	27/10/72	7 (1) (c)	—	3/11/72	7/12/72	Accepted

†Report Section 22 means a report made by an immigration officer under Section 22 of the *Immigration Act*.

*Quashed means the appeal was dismissed but the deportation order was quashed and landing granted, usually under a special program.

- | | |
|--|--|
| (1) File eliminated as not relevant. | (12) Never entered Canada; application made from country of origin. |
| (2) Information not available. | (13) Application withdrawn before leaving Canada. |
| (3) Could not be located at time of hearing. | (14) Entered Canada temporarily and left after institution of proceedings. |
| (4) Out of Canada at time of hearing. | (15) Sponsored by landed-immigrant spouse. |
| (5) Did not respond to subpoena. | (16) Visitor who left after visit to Canada. |
| (6) Not a relevant witness. | N.L. Not landed. |
| (7) Left Canada before appeal was heard. | L.I. Landed immigrant status granted. |
| (8) Not applicable—admitted under a special project. | 7 (1) (c) Visitor. |
| (9) Left Canada voluntarily. | 7 (1) (e) Clergyman. |
| (10) Deported. | 7 (1) (f) Student. |
| (11) In Canada under Minister's permit. | 7 (1) (h) Businessman—temporary work permit. |

APPENDIX 17

Special Inquiry Date	Special Inquiry Decision	Immigration Appeal Board Date	Immigration Appeal Board Decision	Evidence Volume and Page	Date of Landing	Project	Status as of 1/7/75
—	—	—	—	36 7014	4/ 6/71	—	L.I.
—	—	—	—	23 3910	11/ 6/71	—	L.I.
—	—	—	—	23 3995	22/11/73	—	L.I.
—	—	—	—	43 8149	27/ 9/73	—	L.I.
—	—	—	—	36 7064	8/ 2/74	—	L.I.
—	—	—	—	29 5250	31/ 7/74	—	L.I.
—	—	—	—	36 6958	21/ 8/73	—	L.I.
—	—	—	—	55 9855	28/ 6/73	—	L.I.
17/ 4/73	Refused	17/ 4/73	Quashed*	28 5164	13/ 6/73	—	L.I.
—	—	—	—	36 6863	8/ 1/74	—	L.I.
—	—	—	—	36 6901	22/ 8/73	—	L.I.
—	—	—	—	27 4973	11/ 9/73	—	L.I.
—	—	—	—	26 4733	6/12/73	—	L.I.
—	—	—	—	29 5225	31/10/73	—	L.I.
—	—	—	—	81 14426	9/10/73	—	L.I.
—	—	—	—	76 13908	17/ 9/73	—	L.I.
—	—	—	—	(3)	3/12/73	—	L.I.
—	—	—	—	55 9953	13/ 7/73	—	L.I.
—	—	—	—	33 6221	25/ 7/73	—	L.I.
—	—	—	—	36 7042	18/ 6/73	—	L.I.
—	—	—	—	33 6209	5/10/73	—	L.I.
—	—	—	—	33 6120	10/ 7/73	—	L.I.

Concerning Self-Incrimination:
Commissioner's Reasons for Denying
S. M. Byer's Objection

COMMISSION OF INQUIRY
RELATING TO THE DEPARTMENT OF MANPOWER
AND IMMIGRATION IN MONTREAL

Commissioner: The Honourable Claire L'Heureux-Dubé, J.S.C.

Re: Objection raised by witness Stephen M. Byer to answering a question put to him by Commission Counsel Joseph Nuss, on the basis that:

- (1) he will be forced to testify on matters for which he is charged under the *Criminal Code*, and for which he is presently awaiting trial, in spite of the fact that he is not a compellable witness for the prosecution;
 - (2) his answers might incriminate him.
1. On April 17, 1973, witness Stephen M. Byer was charged with an offence under Section 110 (1) (a) of the *Criminal Code* (bribing Immigration Officer Gilles Patenaude). After his preliminary inquiry, Byer was sent to trial, and is still awaiting trial.
 2. Part of the mandate of this Commission (the Commission was established after the charge was laid against Byer) is "to investigate and report upon the state and management of that part of the business of the Department of Manpower and Immigration pertaining to . . . (c) the preparation of a list of immigrants by Immigration Officer Brian Purdon for the said S. M. Byer."
 3. The question put to the witness by Commission Counsel Nuss was the following:
Did you, during a meeting with Mr. Patenaude on April the 16th, 1973, discuss the matter of lists of immigrants being supplied to you by Mr. Purdon or having been supplied to you by Mr. Purdon? (E-9227)
 4. Byer is giving evidence before this Commission under the protection of Section 5 of the *Canada Evidence Act*: accordingly his answers before the Commission cannot "be used against him or receivable in evidence against him in any criminal trial or other criminal proceedings against him thereafter taking place...."
 5. Commission Counsel Nuss and myself have repeatedly pointed out to the witness that no question will be put to him which goes to substantiating the charge for which he is awaiting trial (although, in my opinion, we are competent to put such questions).

The question, as put to the witness (see 3, above), does not in fact go to substantiating the charge for which he is awaiting trial. It relates to an alleged conversation between Byer and Officer Patenaude, on April 16, 1973, during which the Purdon list may have been mentioned, and does not deal with the charge of bribery.

6. Had the alleged meeting been held with another immigration officer, the objection in question would no doubt not have been raised. It was only brought up because the conversation happened to be with Immigration Officer Patenaude, the officer Byer is accused of bribing on the same date, April 16, 1973. It is only because of the coincidence involved that the objection is raised.
7. On this point alone (see 5–6 above), I conclude that the objection raised by the witness S. M. Byer is not founded, and that he must answer the question put to him by Commission Counsel Joseph Nuss.
8. But even had I reached a different conclusion on this point—even if I had concluded that the question put to the witness was directly related to the criminal offence he is charged with—I would still require the witness to answer the question.
9. The argument of the witness is that a person against whom criminal proceedings are pending cannot be compelled to testify before any court or commission of inquiry, other than one the outcome of which may involve his conviction, on the grounds (1) that such testimony would be an infringement of his right against self-incrimination, and (2) that a witness cannot be compelled to testify in circumstances in which, were it his trial, he would not be compellable. The witness mainly relies on the case of *Batary v. A.G. Sask.*, 1965 S.C.R. 465. Commission Counsel Nuss argues that the *Batary* case applies only when an accused has already been charged with a culpable homicide, is awaiting his preliminary inquiry, and is brought to testify before a coroner's inquest into the cause of the death. Mr. Nuss relies on the case of *R. v. Quebec Municipal Commission, Ex Parte Longpré* (1970) 4 C.C.C. 133.
10. The basic rule in Canada is that every person is competent as a witness. "Compellability is a consequence of competency" (McWilliams, *Canadian Criminal Evidence*, p. 548). There are four exceptions to this rule:
 - (a) inability to understand the nature or accept the obligation of an oath, (i.e., very young child, insanity, mental illness);
 - (b) the spouse of the accused is not a competent nor is he a compellable witness for the prosecution, except as provided for in Section 4 (2) and 4 (4) of the *Canada Evidence Act*;
 - (c) a co-accused jointly charged and tried is not a competent nor is he a compellable witness for the prosecution against his co-accused (*Winsor v. the Queen* (1866) L.R.Q.B. 390) although an accomplice is competent and compellable in the separate trial of his accomplice (*Re Regan*, 71 C.C.C. (1939) 2 D.L.R. 135, 13, M.P.R. 584);
 - (d) an accused, although competent, is not a compellable witness for the prosecution at his own trial (s. 4 (1) *Canada Evidence Act*).

We are not dealing here with any of these exceptions. The first three exceptions are obviously inapplicable. As for the fourth, this Commission is not a trial and there is no accused. Accordingly, witness Stephen Byer is a compellable witness before this Commission.

In arguing that he is not a competent witness because he is not a compellable witness at his trial, Mr. Byer, the witness, invokes a principle that does not exist in Canadian law.

11. In the *Batary* case, "the Crown sought to compel Batary to testify at a coroner's inquest, after he had been charged with non-capital murder *in connection with the same death*" (italics mine) (Ratushny, "Is there a right against self-incrimination in Canada?" (1973) 19 *McGill Law Journal* 56). It was held by Mr. Justice Cartwright, delivering the judgment of the majority of the Supreme Court of Canada, that the witness could not be compelled to testify at such an inquest.

The *Batary* case was dealing with a provincial statute, the *Saskatchewan Coroner's Act*. It is altogether different here, in the case of a federal commission. Furthermore, in the *Batary* case the coroner's inquest was inquiring into the very same death that gave rise to the charge of murder. Here, the witness is charged with bribery, and such a charge is not within the terms of reference of the Commission.

Mr. Ratushny asks about the *Batary* case:

Is it the harbinger of a revitalized right against self-incrimination? Or is it merely to be recognized as representing an incongruous rule, based upon the historical practice with respect to coroner's inquests? Is it possible that on a future occasion, the Supreme Court of Canada will agree that it proceeded upon an erroneous assumption and reverse it completely? (p. 59)

Previously, Ratushny stated:

It is respectfully submitted that the basic assumption of Cartwright J. is incorrect in law. There is no authority supporting the view that because a person has been charged with murder, his status as a witness at another proceeding is altered. There is strong authority to the contrary. (p. 58)

In the *Longpré* case, Mr. Justice Brossard, giving the unanimous decision of the Quebec Court of Appeal, had this to say about *Batary* (pp. 137-39):

But does the *Batary* case, as the appellant suggests, go so far as to permit us to conclude that s. 4 and the two sub-sections of s. 5 of the *Evidence Act*, when read together, preclude the calling, as a witness, of a person already accused of an offence, to testify with respect to this offence, in a proceeding, the outcome of which cannot involve his own conviction?

With respect to those who hold to the contrary, I cannot accept this proposition.

First of all, I am of the view that the *Batary* case affirmed the decision reached in the *Regan* case, and I find that Fauteux, J., who dissented in the *Batary* case, rejoined his colleagues, when he laid down the following general principle [(1966) 3 C.C.C. at p. 167]:

The proposition that the competency and compellability of a person to be called as a witness must be determined with reference to the particular proceeding in which it is proposed to call the person as a witness, and not with reference to some other proceeding, is a rule that receives an application even in criminal trials where several persons, though jointly indicted, are proceeded against separately. In such cases, it is settled law that neither one is regarded as an accused person or a party in the trial against the others.

The only point with respect to which the learned Judge differed from his colleagues was the one having to do with the validity of the *Barnes* decision, which he considered well founded and from which he derived the following analysis (p. 175):

The provisions of s. 5(1) and (2) are unqualified and of general application. Subject only to some specific statutory exceptions of which none applies at a Coroner's inquest, no one—other than a person charged of an offence, on the occasion and at the time at which he is actually proceeded against for that offence—is excused from being called to give evidence on the ground that the answers he might give may tend to incriminate him. If a co-accused, of which the prosecution is not actually proceeded with, under the *Criminal Code*, in the criminal Courts, is a compellable and competent witness when called to testify in the prosecution of another co-accused, *a fortiori* a person, whether charged or not with an offence, is a compellable and competent witness at a Coroner's inquest where no one is regarded by law as an accused, at and for the purpose of that inquest, prior to the very time of its conclusion. Being present and represented by counsel before the Coroner when called to the witness stand, appellant's objection to testify could not obtain.

But, is it essential to determine the reason for which the majority of the Supreme Court in the *Batary* case overrules the *Barnes* case, after confirming the decision reached in the *Regan* case?

It would seem to me that the following passages taken from the opinion of Cartwright, J., contain, on the one hand, the basis for the diversions of views between the majority of the Court and Fauteux, J., and, on the other hand, the *ratio decidendi* of the majority view (pp. 161–62):

The effect of the sections of the *Canada Evidence Act*, referred to above, was to give to a person charged with crime the right to be a witness in his own defence, it was not to enable the prosecution to call him as a witness. The choice as to whether or not he would give evidence was given to the accused alone and if he chose not to testify, comment by the Judge or by counsel for the prosecution was forbidden. None of this is challenged; but it is said that the sections have the effect of rendering the accused a compellable witness at the inquest into the death which he is charged with having caused by his criminal act.

If I am right in the view, which I have already expressed, that in 1870 the accused would not have been a compellable witness at such an inquest, it would, in my opinion, require clear words to bring about so complete a change in the law. Section 5 does not purport to say who shall or shall not be compelled to take the witness stand. It deals with the rights and obligations of a witness who is already on the stand. It does not protect him from the use against him of the answers he makes in the proceedings in which he makes them but only in "proceedings thereafter taking place". Let it be supposed that the only evidence given before the Coroner which in any way implicated the accused was that of the accused himself; such evidence would warrant the jury in bringing in a verdict alleging that the accused had committed murder or manslaughter. It is true that such a verdict would not constitute an adjudication that the accused was guilty but equally the decision of the Justice presiding at the preliminary hearing that the accused should be committed for trial is not such an adjudication. It would be a strange inconsistency if the law which carefully protects an accused from being compelled to make any statement at a preliminary inquiry should permit that inquiry to be adjourned in order that the prosecution be permitted to take the accused before a Coroner and submit him against his will to examination and cross-examination as to his supposed guilt. In the absence of clear words in an Act of Parliament or other compelling authority I am unable to agree that that is the state of the law.

Mr. Justice Brossard agreed with the views of Mr. Justice Fauteux dissenting in *Batary*, where the Fauteux J. states (p. 486):

The rule *nemo tenetur seipsum accusare*, invoked on behalf of appellant, has, through the years, been modified or trenced upon by statute and the privileges to which it gave rise have, in certain cases, been conditioned or abrogated.

He added, in reference to section 5 of the *Canada Evidence Act* (p. 488):

By these provisions, the *Canada Evidence Act* removes the safeguards a person had at Common Law to refuse to answer any questions that might criminate him. He is obliged to do so but such evidence may not be used against him if he claims the protection of the Act. The provisions of s. 5 (1) and (2) are unqualified and of general application. Subject only to some specific statutory exceptions of which none applies at a Coroner's inquest, no one—other than a person charged of an offence, on the occasion and at the time at which he is actually proceeded against for that offence—is excused from being called to give evidence on the ground that the answers he might give may tend to incriminate him. (*Italics mine*)

I concur in the above views which, in my opinion, correctly set out the law on this point.

12. Other decisions have also dealt with this problem. In *Re Wilson Inquest*, (1968) 63 W.W.R. 108, it was decided in the first instance that a witness who had not yet been charged with any offence but who might reasonably be charged was not a compellable witness at a coroner's inquest. This decision was reversed by the British Columbia Court of Appeal, (1968) 66 W.W.R. 522, and leave to appeal to the Supreme Court of Canada was refused. In the *Wyshynsky* case (1966) 2 C.C.C. 199, no charge had been laid against the driver of a vehicle involved in a fatal accident who was called as a witness at the inquest into that accident.

The witness was held to be compellable. In his decision, Judge Sirois distinguished the *Batary* decision on the grounds that in the case before him the witness had not been accused.

The decision in *R. v. Barnes*, (1970) 36 C.C.C. 40, 61 D.L.R. 623, 49 O.L.R. 374, set out the law in this connection. Of that case, Mr. Justice Brossard said (p. 137):

... the majority of four Judges of the Ontario Court of Appeal, despite the powerful dissent of Meredith, C.J.P.C., had previously held that Barnes, who had already been charged with the murder of one Rossiter, could be subpoenaed and compelled to testify in the Coroner's Court, at an inquiry concerned with the circumstances relating to the death of the said Rossiter.

In a more recent decision in the case of *Stickney v. Trusz*, (1974) 2 Q.R. (2d) 469, 17 C.C.C. (2d) 478 (Part 8), and 46 D.L.R. (3d) 80 (Part 1), the Ontario Court of Appeal upheld the decision of the Divisional Court dismissing the appellant's application to stay the civil action until the disposition of certain criminal charges pending against the appellant. The original decision in this case was rendered by Mr. Justice Zuber, who relied on Professor Ratushny's review which I referred to above and particularly to his study of the *Batary* case. Although this case involved a civil action, the principle remains the same.

13. The facts of the *Longpré* case involved a witness who was subpoenaed by a provincial commission of inquiry. The witness had been, prior to the creation of the commission, charged under the *Criminal Code* with being involved in a system of bribes to members of municipal councils. He was committed to trial following a preliminary inquiry and was subsequently asked to testify before the commission of inquiry whose mandate was precisely to inquire into bribes involving members of municipal councils. He was testifying under the protection of section 5 of the *Evidence Act*.

There is a great similarity between these facts and the situation facing this Commission. Byer is in much the same position as that facing Longpré.

Justice Brossard isolated the issue as follows (p. 137):

Can a person against whom criminal proceedings are pending be compelled to testify at any trial, inquiry, or proceeding other than one whose outcome may involve his conviction, where such testimony concerns facts relating to the criminal offences with which he has been charged, and where the answers which he might give to the questions which might be put to him for these purposes could, in his opinion, constitute a confession of his guilt with respect to the offences with which he has been charged?

And he held that the witness in such circumstances was compellable, distinguishing the *Batary* decision. *A fortiori*, when such testimony does not concern facts relating to the criminal offences with which the witness has been charged, the witness is all the more compellable.

14. Dealing more specifically with the issue of privilege or right against self-incrimination, Mr. Ratushny concludes, after putting the question "Is there a right against self-incrimination in Canada?", that there is no general principle or right against self-incrimination in Canada, but rather limited decisions on particular subjects which have achieved a specific result in particular cases. McWilliams writes:

In Canada, the Common Law privilege of a witness to refuse to answer a question where his answer may tend to criminate him has been abolished by Section 5 of the *Canada Evidence Act*, and in its place there has been substituted a statutory protection so that though the witness is compelled to answer the question, if he claims the protection under the *Act*, the answer cannot be used against him in subsequent criminal proceedings. (Canadian Criminal Evidence, 1974, p. 556)

Consequently, a witness can no longer refuse to answer a question on the ground of self-incrimination (*R. v. Tass*, (1946) 86 C.C.C. 97, Man. C.A.). He does not incriminate himself if he is testifying under protection of the *Act*, since his answer cannot be used against him.

Referring briefly to the *Canadian Bill of Rights*, I am of the opinion that the *Bill* does not have the effect of creating a general rule against self-incrimination but merely of asserting the right of the witness to be given counsel and the protection of section 5 of the *Canada Evidence Act*.

Order

CONSIDERING that the witness S. M. Byer is presently charged with an offence under the *Criminal Code*, and has been committed to trial following a preliminary inquiry;

CONSIDERING that the witness S. M. Byer is testifying under the protection of section 5 of the *Canada Evidence Act* and that his answers may not be used against him at his trial;

CONSIDERING that this Commission is not inquiring into the offence with which he is charged under the *Criminal Code* and, moreover, that the question put to him does not go to substantiating the offence with which he is charged;

I ORDER witness S. M. Byer to answer the question put to him by Commission Counsel Joseph Nuss as follows:

Did you, during a meeting with Mr. Patenaude on April the 16th, 1973, discuss the matter of lists of immigrants being supplied to you by Mr. Purdon or having been supplied to you by Mr. Purdon?

DATED at Montreal,
this 13th day of November 1974.

Claire L'Heureux-Dubé, J.S.C.

Commissioner

Concerning Privileged Communication:
Commissioner's Reasons for Denying
S. M. Byer's Objection

COMMISSION OF INQUIRY
RELATING TO THE DEPARTMENT OF MANPOWER
AND IMMIGRATION IN MONTREAL

Commissioner: the Honourable Claire L'Heureux-Dubé, J.S.C.

Re: Objection raised by witness Stephen M. Byer to answering a question put to him by Commission Counsel Joseph Nuss, on the basis of privileged communication.

I have taken good note of the argument presented by the Bâtonnier of the Bar of the Province of Quebec, Mr. Michel Robert, on the matter raised by Mr. Stephen Byer. I very well understand the concern of the Bar on this matter of vital importance both to the Bar and to the Public.

The question put to the witness by Commission Counsel Joseph Nuss is the following:

Have you got a list of names of those who had business with the Department of Manpower and Immigration?

Mr. Stephen Byer, the witness, who is a member of the Bar of the Province of Quebec, has refused to answer the question on the basis that his answer would be an infringement of a privileged communication between himself as a lawyer and his client.

The question thus is: Is his refusal to answer justified on the ground that it may put him as a lawyer in a position to divulge a privileged communication? The question asked by Mr. Nuss only refers to the name of the persons by whom he was consulted and whom he represented before the Manpower and Immigration Department in Montreal.

As stressed by the Bâtonnier, there exists a long tradition, both in the English law and in the Canadian courts, of respect for privileged communications. There is an imposing list of decisions which have preserved the confidential nature of a communication between a lawyer and his client, and I am very well aware of it. I respect those decisions, and I agree with them. The privileged nature of this communication is based on the public interest and the interest of the client, not on the interest of the lawyer (*The Montreal Sheet Railing Co. v. Fiegelman*, (1913) 22 B.R. 102, at p. 106).

There are three exceptions to that rule (Brossard, J., *Commission of Inquiry re: Coffin*, vol. 46, pp. 11, 28 ff.):

- (a) when a lawyer appears before the Bar;

- (b) when a lawyer has advised, or helped his client, or conspired with him to perpetrate an illegal or criminal act;
- (c) when the client has implicitly or explicitly waived said privilege (*Black v. Giberton*, (1888) 16 R.C. 22 (E.J.), the client being the sole owner of the privileged communication.

A complete study of the question may be found in *La Reine v. Sauvé*, 1965 C.S. 129.

For the moment, we are not concerned with these exceptions, but rather with the essential elements and limitations of that privilege.

First, for that privilege to be invoked, there must exist a lawyer-client relationship [(1851) 9 Hare 387 on (1906) 68 E.R. 558]. We are dealing here with a firm called Immigration Visa Services of Canada, whose partial list of clients was produced as evidence (Exhibit 292), and the purpose of the question is to complete that list. The weight of evidence before this Commission indicates that Stephen Byer was doing business under that name, either alone or together with partners. There is documentary evidence to support that, such as bank documents. Also, witnesses have testified that it was Mr. Byer's business.

Immigration Visa Services of Canada cannot invoke the benefit of privileged communication between itself and its clients. The names asked for are those of clients of Immigration Visa Services of Canada. The fact that Mr. Byer is a lawyer and pretends to have been acting as counsel for that firm does not render those communications privileged, as the clients were clients of Immigration Visa Services of Canada.

But there is more. Even if a different conclusion could be reached on that point, I would still hold that Mr. Byer cannot invoke the benefit of privileged communication as regards the names of his clients who had dealings with the Department of Manpower and Immigration.

Such privilege extends only to what is of a confidential nature. While I may very well understand that under certain circumstances the name of a client may in itself be of a confidential nature, and that was the ratio decidendi in the case of *Belley v. City of Quebec*, (1927) 42 B.R. 263, particularly if the client has requested that his name be kept secret, on the other hand, the name and address of a client are generally ordinary facts which are not by nature confidential. Particularly in this case, where the name and address were made known to the Department of Manpower and Immigration, and are consequently in the public record.

Jean Louis Beaudoin writes on this precise matter ("Le Secret professionnel", (1963) 65 R. du N., p. 486) at page 498:

[TRANSLATION]

Any fact which could have been revealed to a person other than a lawyer, with the same effect, does not, by the mere reason of being divulged to legal counsel, take on the aspect of a legal confidence.

In his thesis, "Le Secret professionnel" (1965), on pages 62 and 63 the same author states:

[TRANSLATION]

Certain facts, by their very nature, are more likely than others to take on this aspect [of confidentiality]. . . . On the other hand, the name of the client, his address, his handwriting, etc. . . . become confidential only if he [the client] requests that his lawyer maintain absolute secrecy on these various points.

The decision of *Levy v. Pope*, (1829) 173 E.R. 1206, supports that point of view. *Phipson on Evidence* (section 597, page 254) states that "a solicitor may be compelled to prove his client's name," and refers to the decision rendered in that connection in the case of *Ex parte Campbell re: Cathcart*, (1870) L.R. 5, ch. 703, which is also cited in the decision in *Thorsen v. Jones*, (1973) 4 W.W.R. 437, at page 438.

In the present circumstances, given the fact that the names and addresses of clients of Immigration Visa Services of Canada are not within the scope of privileged communications, as not being communications between client and lawyer, and further that those names are part of the public record inasmuch as they were disclosed to the Department of Manpower and Immigration, which is an information which is not, under the circumstances, of a confidential nature in itself, I hereby order Mr. Stephen Byer to answer the question put to him by Commission Counsel Joseph Nuss as regards the names of the clients of Immigration Visa Services of Canada.

The scope of this decision is, of course, limited to the precise question put to the witness. There may be other occasions to make further decisions on similar issues, but with different implications. Those decisions I shall render when and if required.

DATED at Montreal,
this 23rd day of October 1974.

Claire L'Heureux-Dubé, J.S.C.
Commissioner

List of Briefs Submitted to the Commission

Brief submitted by the Manpower and Immigration Union of the
Public Service Alliance of Canada.

